



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development

SDIR • NUMBER 100 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Tuesday, March 27, 2018

—
Chair

Mr. Michael Levitt

Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development

Tuesday, March 27, 2018

• (1300)

[English]

The Chair (Mr. Michael Levitt (York Centre, Lib.)): I call the meeting to order.

Welcome, colleagues, to the 100th meeting of the Subcommittee on International Human Rights. Today is a meeting on the human rights situation in Cambodia.

We are fortunate to have before us three witnesses. By video conference from Yangon, Myanmar, we have Kingsley Abbott, Senior International Legal Adviser in the Asia and Pacific Office of the International Commission of Jurists.

I do want to recognize and thank you, Mr. Abbott, for making yourself available. I know you had to switch your schedule around, and we're very happy you could accommodate.

In person, we have Mu Sochua, former Cambodian MP and Minister of Women and Veterans' Affairs, and Vice-President of the CNRP.

She has come to brief us all the way from New Zealand. We really thank you for taking the time to travel so far to come and share your thoughts and testify before the subcommittee.

We also have Kong Sophea, also a former CNRP MP, who was banned from participating in politics in Cambodia and who has been a victim of political violence.

Thank you very much, sir, for joining us.

We'll begin with opening remarks by Mr. Abbott, followed by Ms. Mu. Then we'll go straight to questions from the members.

Mr. Abbott, if you are ready, please begin.

Mr. Kingsley Abbott (Senior International Legal Adviser, Asia and Pacific Office, International Commission of Jurists): Mr. Chairman, members of the committee, thank you for this opportunity to testify before you today, and warm greetings from Yangon, Myanmar.

My name is Kingsley Abbott, and I am a Senior International Legal Adviser with the International Commission of Jurists, known as the ICJ.

The ICJ, established in 1952, is an apolitical international human rights organization composed of 60 eminent judges and lawyers

from all regions of the world, including two Canadians, former Supreme Court justice Ian Binnie and Judge Michèle Rivet.

The ICJ seeks to promote and protect human rights and the rule of law by using our unique legal expertise to develop and strengthen national and international justice systems.

I myself have lived and worked in Southeast Asia for nearly 10 years, including in Cambodia, and am currently based in Bangkok, Thailand, where I work at the ICJ's Asia office, and where, I should add, the Canadian ambassador to Cambodia is based, who has been markedly accessible, as was her predecessor.

I would like to address the committee on two issues. The first is the misuse of the law in Cambodia under the pretext of the rule of law, and the second is the lack of an independent and impartial judiciary. However, before I begin, I would like to add a little context, because I am sure my Cambodian co-witnesses will also add context.

Cambodia is currently in the grip of a human rights and rule of law crisis unprecedented since the signing of the Paris peace accords in 1991.

Since the last national election, the Cambodian government has scaled up its systematic closure of civic space and repression of fundamental freedoms in advance of the next elections in July of this year.

One of the government's key tactics in this crackdown has been to weaponize the law.

Specifically, the government has misused the law and the legal system to legally harass the political opposition, independent media, civil society, human rights defenders, activists, and individuals, in many cases for merely exercising their fundamental freedoms.

Of significance, when justifying its repressive actions and defending itself against both internal and external criticism, it repeatedly claims it is merely implementing the rule of law. Recent developments, I think, illustrate this point.

Last year a new law, passed in 2015 and named the Law on Associations and Non-Governmental Organizations, a law that places onerous registration requirements on NGOs and requires them to be politically neutral, was misused to shut down the U.S.-funded National Democratic Institute and expel its international staff and to temporarily suspend Equitable Cambodia, a land rights NGO. These are just two examples of the misuse of this law.

Local authorities all over Cambodia also frequently appeal to the law, demanding associations and NGOs receive permission from the authorities before conducting activities.

In August of last year *The Cambodia Daily*, an independent English-language newspaper, was presented with a tax bill for millions of dollars of allegedly unpaid taxes, which forced it to shut down.

In September 2017 the CNRP's leader, Kem Sokha, was arrested and detained following an early morning raid at his home. He was later accused of treason in a case that has all the hallmarks of being politically motivated, and he remains in detention to this day.

In November 2017, in a significant event, Cambodia's Supreme Court dissolved the CNRP and banned 118 of its politicians from political activity for five years in a highly politicized case. The president of the court himself, who presided over the hearing, is a high-ranking member of the ruling party and sits on both its standing and permanent committees.

The Law on Political Parties was amended shortly before these legal proceedings, allowing for the dissolution of political parties by the Supreme Court.

The decision makes a mockery of both the justice system and the upcoming elections, prompting the European Union to withdraw its support for the electoral process, saying it "does not believe there is a possibility of a credible electoral process".

Just a few weeks ago, amendments to the Cambodian Constitution were passed. These amendments reportedly impose a duty on all Cambodian citizens to "primarily uphold the national interest and not conduct any activities which either directly or indirectly affect the interests of the Kingdom of Cambodia", without any definition of what these vague notions mean or what actions might put somebody in legal jeopardy.

The government has repeatedly defended its actions under the guise of the rule of law, both at home and abroad, including before the Human Rights Council in Geneva.

•(1305)

Hours after the country's Supreme Court dissolved the main opposition party, Prime Minister Hun Sen took to the television to announce that the decision was based on the principle of the rule of law. Last month the government put out a white paper justifying its repressive crackdown. It was entitled "Strengthening the Rule of Law and Liberal Democratic Process". Just four days ago, in response to the announcement that the U.S. was suspending funding and calling for the release of political prisoners and the reinstatement of the CNRP, a government spokesperson was quoted as saying, "The U.S. is not our boss.... We stand very firm to protect what we call rule of law."

Of course, this is not what the rule of law means. The ICJ has been working on defining the rule of law and making the link between it and the protection of human rights since the 1950s. What I have been describing is precisely the opposite of the rule of law, the three pillars of which are equality, accountability, and predictability. It does not mean just passing laws and holding people to them, but

rather passing and implementing laws in a way that complies with international human rights law and standards.

The misuse of the law is of particular concern in Cambodia because of a lack of independent and impartial judges placing checks and balances on the executive and legislature. In a baseline study on Cambodia released by the ICJ in October of last year, the ICJ identified that the lack of independent and impartial judges and prosecutors was the single largest problem facing the Cambodian justice system. The problem is twofold: an endemic system of political interference in high-profile cases and an equally entrenched system of corruption in others.

Our study also found that the justice system is plagued by numerous other problems, including inadequate and unfair judicial investigations, trials, and appeals; coerced confessions and the lack of accountability and redress for such abuses; and identification of lawyers with the political agendas of their clients and targeting by the government of lawyers on that basis.

In conclusion, I would like to make four key recommendations to this committee.

First, Canada should send members of Parliament to visit Cambodia before the July elections. Second, Canada should continue to make strong appeals for the immediate reinstatement of the main political opposition party, the CNRP, and for the immediate release of Kem Sokha and all other political prisoners. Third, Canada should increase its support for Cambodian civil society, particularly at this time. Fourth, Canada should call upon Cambodia to repeal or amend all laws inconsistent with its international human rights obligations.

Thank you.

•(1310)

The Chair: Thank you very much for your remarks, Mr. Abbott.

We're going to move right along to Ms. Sochua, please.

Ms. Mu Sochua (Board Member, ASEAN Parliamentarians for Human Rights): Honourable Chair, eminent members of the House of Commons Subcommittee of the Standing Committee on Foreign Affairs and International Development, I am humbled by the opportunity to be here with my colleague Mr. Kong Sophea, with eminent members of the Buddhist community in Canada, and with members of the community of Cambodians in Canada. With me also are Mr. Tuon Yuda, a member of parliament in exile, and Mr. Sor Chandeth, a senator from the opposition, also in exile.

Honourable Chair, prominent members of the committee, Mr. Kong Sophea is a member of parliament, like us. He is a survivor. In late October 2015, as he and another member of parliament from the opposition left the parliament building, they were both severely attacked by members of the bodyguard unit of Prime Minister Hun Sen.

Mr. Kong Sophea and Mr. Nhay Chamroeun continue to seek medical support for their injuries. Mr. Kong Sophea has lost hearing in his left ear. This is only the beginning of the human rights situation in Cambodia that I have the honour to present to you this afternoon.

Throughout Cambodia, people are living in fear. What do they fear? They fear the power of Mr. Hun Sen, the Prime Minister of Cambodia, who has been in power for over 34 years. As of yesterday he was still telling the court to not allow Mr. Kem Sokha, the opposition leader, our leader, to be set free on bail. Mr. Kem Sokha is in pretrial detention in a prison that is far away from the city, and he can only see his lawyers and his spouse. No one else can see him.

This is only the beginning of many more measures taken against the opposition that I will detail later on. Most of all, we fear for the safety of the opposition members, or anyone in Cambodia who dares to criticize Mr. Hun Sen and his regime.

Over three million people in Cambodia voted for change in 2013 and in the local elections of 2017. We are not just an opposition. We represent over 44% of the voters in Cambodia. We are not just the opposition. We represent the will of the people. We are not an opposition. We are the hope of the people of Cambodia.

When I talk about the people of Cambodia, I talk about our farmers who are victims of forced evictions, who are victims of widespread illegal logging. Cambodia only has one-third of its forests left today because the rest has been logged illegally by companies that are related to the Prime Minister. This is an industry that costs Cambodia billions of dollars.

We are not just the opposition. We are a pillar of this democratic change, the foundation of democracy. With us is a very vibrant civil society. Until six months ago we were vibrant forces for democracy. Today we remain silent because otherwise either we go to jail or face exile.

Mr. Hun Sen has been using the courts, as Mr. Abbott just said, as a political instrument to silence all his critics and destroy the hope for democracy.

● (1315)

Mr. Chair, eminent members of the subcommittee, in just six months, this is what has happened. In September 2017, Mr. Kem Sokha was arrested at home without any arrest warrant. He is a member of Parliament and the leader of the opposition. His bail has been denied again today by the appeal court. Outside of the appeal court today, the forces of Mr. Kem Sokha were around, and again violence was committed against people who were just monitoring the appeal. It happened today.

In the countryside, people are losing their land. On March 8, women who were defending their land were brutally shot at, and one of them hanged herself out of despair.

In September and October, there were more charges against Sam Rainsy, the former leader of the opposition. He remains in exile. If he were to go back home, he would be arrested immediately, like the rest of us.

In October, there were amendments to the political party laws that allowed the Ministry of Interior to bring cases against any political party to the Supreme Court. Without any due process, those parties would be dissolved, like our party.

In November 2017, the Supreme Court finally dissolved the opposition parties. Our 55 seats in Parliament have now been

redistributed because of these amendments to the law. They've been redistributed to political parties that have no seats whatsoever in Parliament. A total of 5,007 locally elected officials have lost their seats at the local level. They remain inside Cambodia, silenced and living in fear.

In Cambodia today, people are still hopeful that the opposition will return. We are hopeful because as of last week, 45 members of the UN human rights commission, including Canada, expressed their very deep concern over the human rights situation in Cambodia and called on the Government of Cambodia to put democracy back on track. It especially called on Mr. Hun Sen to allow the next election to be conducted in an environment that is free from fear and intimidation.

Today, honourable chair and eminent members of the subcommittee, we ask for the following. We ask that Mr. Kem Sokha be immediately released so that he can come back to his political life, like us, so that we can go back to Cambodia and prepare for the July election. We ask that all charges against Mr. Sam Rainsy be dropped and that all other political prisoners be released. There are also environmentalists and human rights defenders who are in jail today. They should be released.

We ask that the CNRP, the opposition party, be reinstated immediately. We ask that the people of Cambodia receive civic and election education, which they have a right to. We ask that the civil society members who have been so vibrant and who have brought human rights principles to Cambodia be allowed to function again. We ask that the independent media be allowed to function again as we get ready for the elections.

● (1320)

Specifically, we ask the eminent members of the House of Commons in Canada to bring a delegation to Cambodia as soon as possible to see for yourselves the human rights situation in Cambodia.

We also ask that the Government of Canada, which is one of the signatories to the Paris peace accord, not only make statements but also take concrete actions like the actions that have already been taken by your allies, such as the United States. These actions are targeted sanctions, starting with visa sanctions of high-ranking officials in the Government of Cambodia. We ask that there be legislation in the House of Commons for a Magnitsky act to freeze access of the high-ranking officials of Cambodia who have committed corruption and who are investing their money in Canada or elsewhere. Canada should join the United States as well by supporting the Magnitsky act. We ask—and this has to be—that there be temporary economic sanctions. Only with these pressures will Mr. Hun Sen listen to the international community.

I remain very confident that the subcommittee will hear these facts today. These facts are all recorded in the UN reports, in Amnesty International reports, in human rights reports, and in the Global Witness reports.

We also ask that you take swift action. We remain very confident and hopeful that Canada, which is a signatory to both the Paris peace accord and the statement of the UN human rights commission from last week, will welcome this, as you have so warmly welcomed our refugees in the past to become vibrant members of your country.

What we want is to return home.

Cambodia has a chance. Democracy in Cambodia has a chance, and the people of Cambodia deserve true peace and true democracy. They have expressed their will and they have made a very big commitment with their own lives. They're standing with almost nothing, but they want to stand on the land and not be forced out. They want to remain in the forest and not see the forest cut down. They want to express themselves and not be labelled as rebels or members of a counter-revolution. We are not traitors. We have committed no crime, but we stand with our people for democracy in Cambodia.

I thank you for your attention.

The Chair: Thank you very much, Ms. Sochua, for those impassioned remarks, and again I want to express our extreme gratitude that you travelled all the way from New Zealand to testify here before us today. It's deeply appreciated.

With that, I'm going to open up the first round of questions. I believe we're going to begin with MP Anderson.

Mr. David Anderson (Cypress Hills—Grasslands, CPC): Thank you, Mr. Chair.

I want to thank our witnesses for being with us today. It's good to meet you again, and thank you for having the courage to come and speak to us.

You've given us some pretty direct things that you'd like us to do. Who are the strong allies? If Canada were going to make this a priority, which nations would we look to that are already acting and that we may be able to find a role working alongside?

• (1325)

Ms. Mu Sochua: Members of the United States Congress have been very friendly with us through the Tom Lantos Human Rights Commission. Members of Congress have also passed a bill just recently for the freezing of assets. We also have support from the members of the European Union, Sweden mainly, and France and Germany give very strong support. They U.K. also gives very strong support. In the ASEAN countries, we are hoping that Indonesia, one of the co-founders of the peace conference on Cambodia, will also step forward for the ASEAN community. Also, Japan has already expressed its intention to play the role of negotiator so that there's a dialogue between the parties in conflict.

Mr. David Anderson: Do you see the initiative by Japan potentially being successful?

Ms. Mu Sochua: Yes. We believe that Japan plays a big role and that Japan wants to be engaged with the Government of Cambodia. We believe that Japan has really strong respect in Cambodia in that region, and in the region representing Asia. We believe that with allies in the EU and the United States, and including Canada and Australia as well, Japan can form a strong coordinated voice and send a strong message to Mr. Hun Sen so that Mr. Hun Sen can hear

what he does not want to hear, which is to be very aware that a government that is born out of elections that are not free and fair will not be legitimate and will not be recognized by a country such as Canada.

Mr. David Anderson: You've called for targeted sanctions, both for visas and for economic sanctions or whatever. I'm wondering if you can tell us a bit about whether Cambodian officials have assets around the world. Are sanctions something that would be effective? Have the leadership put their assets in places where the Canadian Magnitsky law could apply to them?

Ms. Mu Sochua: Yes. I believe that until there is a very strong message sent to the high-ranking officials, which could be visa sanctions or looking into their assets, which they acquire through corruption, those high-ranking officials will continue to live above the law. Until such actions are taken, those high-ranking officials will continue to live above the law and will continue to destroy the culture and the rule of law in Cambodia. They will continue to live beyond the law, which is impunity. That destroys democracy in Cambodia.

Mr. David Anderson: We believed that it was important for this committee to take a look at this issue. You've now made a request for a delegation to go to Cambodia. What would you see as the purpose of that? Do you think a high-level delegation coming from Canada could be effective, or are we more effective talking to you here?

Ms. Mu Sochua: First of all, a high-level delegation of parliamentarians from Canada would have a direct-contact dialogue and conversation with members of Parliament in Cambodia and would then put pressure on the members of Parliament in Cambodia.

Ask them these questions yourselves. Why are they sitting in seats that don't belong to them? They are not representing the people of Cambodia. Also, what are the members of Parliament from the ruling party doing to address the issues of the constituents? Why are farmers being shot at and their lands being taken? Why are the workers who are only asking for fair wages being shot at? Why are the civil society members not allowed to conduct community meetings and training for the people? These are questions that need to be asked directly.

For the people of Cambodia, your delegation will also give them the strong hope that Canada cares.

• (1330)

Mr. David Anderson: I'm running out of time fairly quickly, but you've mentioned that it's not just the national opposition leaders who have been punished but also locally elected politicians. I think a big part of the issue has arisen because you've had great success in municipal elections and the government was threatened by that.

Can you talk to us a bit about your support? Who is it that supports you? Do you have young people who are very active in your movement? Who are the people who support the opposition in Cambodia?

Ms. Mu Sochua: As I said, the opposition party has 44% of the vote, representing over three million of about six million voters in 2013 and 2017.

When Mr. Kong Sophea and his other member of Parliament were attacked, it was covered live on social media. Who covers these? Who uses social media? It is the youth. It was live. The nation watched and was horrified.

These youth—and they are poor rural youth, as well—and intellectuals, civil servants, business people, and a whole range of people in Cambodia know very well that they want change. Having Mr. Hun Sen as prime minister for over 34 years, we believe, is enough, especially when in the background Cambodia is losing its land and its forests.

As I said before, the level of impunity is so widespread. The courts are used as political tools by the ruling party. The people of Cambodia want change. The opposition, as I said, is recovering, even.... We are the hope. We represent the hope. We have demonstrated for close to 30 years what we stand for. We have been trapped, struggling for democracy in Cambodia for almost 30 years.

Mr. David Anderson: I have another one, Mr. Chair.

I want to ask Mr. Abbott a question. I see that the decision of the Supreme Court was led by a judge who's a member of the central committee of the ruling party. I'm wondering if you could talk a bit about the legal reforms that need to take place in the judicial system in order for it to function a little better than it is right now.

Mr. Kingsley Abbott: That's a very important question, because a tremendous amount of investment has been made into the judicial system and the development of the judiciary and the prosecution office over the last several decades, certainly since the early nineties.

On one level, while there are still significant problems with the judiciary, it's certainly a judiciary with a much higher capacity than it had 10, 15, or 20 years ago. I've had the pleasure of meeting with quite a number of Cambodian judges in different capacities over my time in Cambodia. Many of them, particularly the young ones, are determined to do a very good job and understand what's required of them in terms of independence and impartiality.

The difficulty is the fact that the ruling party is able to influence cases with a political component. It has been said that if a case has some political aspect to it or involves the interest of someone who is a member of the ruling party, then the judges will literally be contacted and have pressure brought to bear on them to decide the case in a certain way. As a result, we're looking for really systematic reforms.

One concrete reform that should be suggested to the government and called for is related to something that happened several years ago. I believe it was in 2014 that the Cambodian government passed three judicial reform laws in which they actually institutionalized the judiciary in the prosecution office, under the Ministry of Justice, which is part of the executive. There isn't a separation of powers, even *de jure*, in Cambodia at the moment. Those three judicial reform laws should be reformed, first and foremost.

Second, there needs to be continued investment in the judiciary and in the prosecution, and in particular the development of the new generation of judges and prosecutors so that in the future, slowly but surely, there would be leadership from within and they would be able to fulfill their prosecutorial and judicial duties in accordance with international human rights law and standards.

● (1335)

The Chair: Thank you very much, Mr. Abbott.

We will now move to MP Fragiskatos, please.

Mr. Peter Fragiskatos (London North Centre, Lib.): Thank you, Mr. Chair.

Thank you very much for your testimony here today.

I want to quote at the outset a BBC report that was written just a few months ago. It says, "Rapid economic growth over the past decade [has] transformed [the capital] but left the rest of the country behind, and made Hun Sen and his close associates obscenely rich."

A hallmark of any authoritarian state is corruption, but I want to understand specifically how corruption manifests itself in Cambodia and the extent to which it explains the seeming stranglehold that Hun Sen has had over the country since 1985.

Ms. Mu Sochua: The Global Witness report covers thoroughly the names of the companies that are owned by the children of Mr. Hun Sen, including Madam Hun Sen. The Global Witness report also tells the readers very clearly that the illegal logging industry costs Cambodia billions of dollars every year. That is purely corruption at the high level.

At the lower level, the members of the ruling party, from the provincial authorities to the local authorities, are covered by their party in the corruption at the local level. It's so widespread.

The money that is taken from the state belongs to the people of Cambodia. When that money is not in the national budget, who suffers? The health care system suffers. Our children cannot go beyond sixth grade. Half of them have fallen out already. The teachers are not well paid because the educational services are limited, especially for the rural poor and indigenous communities.

Health care services are well known to be limited, almost primitive in some areas. Our women die in childbirth day after day, because they cannot pay even the five-dollar fee. The money that should be covered by the national budget is not there. It's in the pockets of the rich, the high-ranking officials of Mr. Hun Sen.

Mr. Peter Fragiskatos: Ms. Sochua, you touched on a number of very important points, but I wonder if you could look at the institutions of law and order, and I also turn to the International Commission of Jurists on this as well.

What you've sketched out is an overview of Cambodia that shows Hun Sen's reign in power is made possible by rewarding political cronies, as any authoritarian ruler is apt to do, regardless of the region of the world they might find themselves in.

When it comes to the police, the military, and the judiciary, I think what you are in effect telling us is that there are people who stand to lose a great deal if Hun Sen is out of power, and there are people in place now who are gaining a great deal because Hun Sen is in power.

You're nodding, so you obviously acknowledge that, but could you talk specifically about the institutions of law and order—the military, the police, and the courts—and how all of this manifests?

I'll turn to the International Commission of Jurists as well, after you've given your response.

● (1340)

Ms. Mu Sochua: The courts are used at all levels, from the lower courts to appeal courts to the Supreme Court. The members of the courts, the judges, are members of the ruling party. That alone shows you what kind of a judiciary we have. That is not permitted in a democratic country, and that is not serving justice to our people.

We are here today because of the decision of the Supreme Court. I have gone to jail because I was defending freedom of expression.

Many, many Cambodians today fear the court, the judiciary, because they know they cannot pay. If you don't have money, you can't find justice. Even if you have money, if you don't have the protection of the ruling party, you cannot have justice, even if you have not committed any crime. If civil servants want to be promoted, they have to pay. As well, if they are taken to court, they will lose also.

Mr. Peter Fragiskatos: Because my time is running out, I'm also going to ask Mr. Abbott to comment on the institutions of law and order and the place of corruption in all of this. Since your background is the judiciary, feel free to delve into that.

Mr. Kingsley Abbott: I think has been a tremendous challenge for everybody who's engaged with these justice institutions within Cambodia, where the entry points are. I think it is correct to say that it is as simple as you've said. You see it in other places where loyalty is to the party first and to the institution second.

That has to be addressed for there to be meaningful change, but as I said before, what we sometimes see in these places is there needs to be close engagement with individuals within these institutions so they can be encouraged to bring about change through their own leadership. As I've said, I've identified certain different people in the Cambodian judiciary, for example, and investigators who are interested in carrying out their work in accordance with their professional ethics, but it's a long-term investment.

Second, I think there also needs to be a strong presence wherever there are trials, for example. Justice needs to be seen to be done as well, and I think in many countries in the world where trials take place without anybody there to see them, they can sometimes tend to be more unjust. From time to time diplomats and civil society observe trials within Cambodia, and that's important. That has to continue, and reports must be written so the failings within the justice system are known and made public and are addressed.

I think it's a long-term challenge, and until some more endemic problems such as corruption and political interference in the justice system are addressed, it's going to be difficult to have meaningful

change from the individuals within the justice system themselves, but that has to be done as part of a 10-, 20-, 30-, 50-year project.

Mr. Peter Fragiskatos: Thank you very much.

The Chair: Thank you. Now I'm going to give the floor to MP Masse.

Mr. Brian Masse (Windsor West, NDP): Thank you, Mr. Chair. I appreciate the opportunity.

Thank you for being here today, and thank you to Mr. Abbott as well.

One of the things that's interesting about the situation—and we've had this elsewhere in the world—is succession in the ruling family. Essentially that's what we have here. I know that many witnesses have talked about logging, as you have, but I'm wondering whether the family has connections in business. Heroin-smuggling, I believe, is a potential part of the trade, and there are land-grab issues as well. Is there any feeling that the family is preparing for succession so that in effect a member of the ruling class would be the next leader, following the displacement of Hun Sen?

Ms. Mu Sochua: As far as we know today, Mr. Hun Sen has not prepared a successor. He wants to remain in power for the next 10 years. However, the people of Cambodia will not allow him to stay for another term if they have the freedom to choose the leader they want. We are certain.

● (1345)

Mr. Brian Masse: You noted that they're involved in logging. I guess that's a particularly important issue, not only because of the vast amount of wealth that's taken from the population but also because of the topography changes that occur if the logging is not done properly. That could undermine the future of Cambodia quite significantly. Many nations suffer for past practices in logging that eventually affect their agriculture and environmental conditions and leave a legacy that is not reversible.

How significant is logging right now? Is it continuing to expand, or is it keeping a steady pace of destruction right now? Are you at a third? Do you have a timeline for when that reaches a half?

Ms. Mu Sochua: It continues every day under the eyes of the law officers who are supposed to protect our forests. There are good law officers and good environmentalists, and there are international organizations working in Cambodia right now, but they cannot confront, they cannot practise when the Ministry of Defence itself is behind the illegal logging. The family of the Prime Minister and these big tycoons are behind this massive illegal logging, and the dams that are being built today in Cambodia under the name of good development for the people of Cambodia actually do log illegally. These big plantations log illegally through these policies of the government, which are economic land concessions. There are millions of hectares of land, and 85% of our people are rural poor. Our farmers have lost their land. There are over two million migrant workers who are Cambodians because they lost their land. They are so much in debt that they have to go to Thailand and to other countries in the region as unskilled workers. There are two million migrant workers.

Mr. Brian Masse: One of the potential pressure points you've noted is what other nations are doing, including the U.S. Congress. I'm one of the vice-chairs of the Canada-U.S. Inter-Parliamentary Association and I know that congressional action is sometimes rather assertive and helps lead the path to some changes.

We have over here a bit of a different situation. You're suggesting maybe freezing of diplomats' visitations. One of the things that we've done as a country is that sometimes our crown corporations are also doing business in government agencies. Perhaps that might be a way to peel back. I know most recently Canada has been criticized for loaning money from the EDC to the Gupta brothers for a private luxury jet. I notice, even as you're talking here, the Canadian trade commissioner service is actively promoting "uncovering the surprises of Cambodia" and welcoming investment through Canadian connections.

Say, for example, we were able to draw back a Canadian trade commission office that opened up in early 2015 that is actively being promoted right now, or at least advance the notion that it could potentially close or be put in a state of abeyance for the moment. Would it be helpful to make sure that the Government of Canada and our crown corporations, and also our departments, are not saying one thing in the political realm of concern while having our departments do something different on the ground floor?

Ms. Mu Sochua: Exactly, sir. That's why we're asking to have a coordinated effort to put forward a very strong message to Mr. Hun Sen. These sanctions, these pressures, come from the diplomatic sanctions as well as economic sanctions, and especially through potential foreign investors and Canadian investors going to Cambodia to make it very clear that your money is not safe. You are contributing to the disaster, to the death of Cambodia as far as democracy is concerned. It is not ethical to be in business with a country where human rights...where the workers who are producing your garments live in very difficult conditions under abusive laws that do not allow trade unions to function freely. If you are part of that industry, you should get out.

• (1350)

Mr. Brian Masse: It's interesting, because the trade commission posting under the Government of Canada has quite a different picture painted about investing in Cambodia. Maybe that's one of the first things that can be looked at.

Do I have time, Mr. Chair, for a quick question?

The Chair: It's a quick question.

Mr. Brian Masse: Mr. Abbott, in your opinion, does Japan play a key role or a potential key role of being a negotiator in this process? Would you see that as viable?

Mr. Kingsley Abbott: Yes, I think Japan has been seen already as a very important player regionally and also within Cambodia. One thing that hasn't been said, but it's an important dynamic, is the increasing assertiveness of China in Southeast Asia at the moment, particularly in Cambodia and Vietnam. Speaking plainly, some analysts say that this is a dynamic that's important to Japan and one that it's keeping a close eye upon.

However, Japan also has, I think, not yet stepped up to the plate in terms of taking an assertive and principled stand on the situation in Cambodia. For example, when the European Union and the U.S.

pulled out of supporting the upcoming elections, Japan stayed the course. At the last Human Rights Council, Japan led a Human Rights Council resolution along with many other states, but under its direction, I think it was perhaps not as strong as it could have been.

That's in part why we saw what Mu Sochua referred to, a joint statement that was issued at this Human Rights Council just a few days ago by 45 states, which this time was led by New Zealand. It doesn't have the same status as a resolution, but as a 45-state statement, it was much stronger. It's notable that Japan and none of the other ASEAN states are signatories to it. I think there needs to be also more pressure placed on leadership, not only in Japan but also within ASEAN, where there may be also a shared interest in providing a counterbalance to that more assertive China that we are witnessing, in part because of the waning influence in some respects of Europe, the U.S., and other powers in Southeast Asia.

To answer the question from before, if you were to look at allies you might have currently with respect to such an initiative that you might be considering, you only need to look at the signatories, all 45 of them, to that Human Rights Council statement just a few days ago.

The Chair: Thank you very much, Mr. Abbott.

Welcome to the subcommittee, Mr. Masse. It's good to have you here.

We're now going to move to MP Khalid and then to MP Tabbara, and we'll finish off with MP Sweet.

Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.): Thank you, Chair.

Thank you to the witnesses for coming in and presenting your testimony on this very important issue before our subcommittee.

I know, Ms. Sochua, that you touched briefly on what Canada can do to assist the situation. You mentioned perhaps a delegation coming into Cambodia, but what other measures do you think Canada can take to really assist the flourishing of democracy within Cambodia?

Ms. Mu Sochua: Canada can join other countries that have already applied targeted sanctions, such as visa sanctions on the high-ranking officials of the Government of Cambodia. These people are coming to Canada. We know it for sure. It is symbolic. It gives to Mr. Hun Sen a very strong message, again, that the road for him is not open unless he can demonstrate that he wants to uphold, as Canada does, the principle of democracy. That's number one.

Number two is, again, if it has to be, economic sanctions. We do not want to see that, but if it has to be, then it has to be. Mr. Hun Sen will listen to and ignore any statement that is made unless Canada takes very strong, strict measures, and immediately, because we have only four months to go. In fact, by the end of April all parties that want to contest in the next election should file with the National Election Committee. We actually don't have four months; we have four weeks.

Still, it doesn't mean that time is up. If there is political will, a political solution, we can find a solution. The election day can be pushed back. At the end of the day, what the Cambodian people need to have is the freedom to vote on election day and vote for the party they want to vote for. That means a free and fair election, and exactly like any government, Canada cannot just give a double message. On one hand, you condemn what is happening in Cambodia; on the other hand, you do business with Cambodia. That is giving Mr. Hun Sen a free ride. It has to stop.

• (1355)

Ms. Iqra Khalid: Thank you.

I'll give the rest of the time to MP Tabbara.

Mr. Marwan Tabbara (Kitchener South—Hespeler, Lib.): Thank you. I'll be brief because my time is short.

The opposition advocated extending the timeline for the election, pushing it further back maybe into the fall, maybe later in September or October. Mr. Sen has cancelled that.

In Cambodia, has there been a push to prolong this election?

Ms. Mu Sochua: As of today, Mr. Hun Sen is determined to have the elections conducted on July 29, 2018. He repeated it the day before yesterday and today because he is negotiating, actually, with the international community. It is his tactic. He is a great negotiator.

However, what the international community, including Canada, needs to say to Mr. Hun Sen is “We are together, 45 countries; you may have China, but we stand with the people of Cambodia for democracy.” If he wants to go ahead with the election on July 29, 2018, he will go ahead, but the 45 countries and beyond should say to Mr. Hun Sen, right now, that the next government run by Mr. Hun Sen—if he wins without the opposition CNRP taking part in the next election—born from that kind of election will not be recognized.

We do not want an illegal government. We want a legal government. We want democracy, and we want to go back so that we can put Cambodia back on track. We have no more time to lose.

If Mr. Hun Sen continues to take Cambodia down the road to more deterioration of human rights, then at the end of the day, the people of Cambodia will lose. The people have suffered enough, and they want change, and that's what the international community needs to say to Mr. Hun Sen. You stand with the people of Cambodia who want to have change, but through free and fair elections, without violence.

• (1400)

The Chair: Thank you.

We have time for one short question from MP Sweet before we wrap up.

Mr. David Sweet (Flamborough—Glanbrook, CPC): Thank you, Mr. Chair. I'll be as brief as possible.

We've talked about the judiciary and law enforcement, the political machine there. I take it that the media aren't free either, and that pressure has been put on the media as well.

One of the compelling questions that comes to my mind is that Cambodia has been through so much—for instance, the Cambodian genocide. The trials just ended years ago. The Khmer Rouge that was convicted of crimes against humanity is fresh in everybody's mind.

Are people marching in the streets against Hun Sen? Is there a visible uprising that's happening in civil society on the ground in Cambodia, so that the message is being sent to the current administration?

Ms. Mu Sochua: Civil rights and civil liberties in Cambodia are totally dead. Any protest will be crushed by the so-called “third hand” of Mr. Hun Sen. He calls it the “third hand”, which actually means the militia, which means the hired security guards. We have gone through so much.

If they can physically assault a member of Parliament in front of the parliament building, they can do anything they want. Also, I need to say that the members of Mr. Hun Sen's bodyguards got a very short prison sentence. After that, they were promoted in the security force.

Our people want protests, but they are waiting for the opposition, the CNRP, to say when. We don't want to have protests just to have protests. We want peaceful resolutions. At the end of the day, though, we may not be able to ask the people to wait. The people will go out in the streets. That will be chaos, and that's the chaos Cambodia cannot afford to have.

The Chair: Thank you very much.

I want to thank Mr. Abbott and Mu Sochua and Kong Sophea for being here, as well as all the other members of the community who came to join us from Toronto, Montreal, and other places.

An hon. member: London.

The Chair: And London, as my colleague points out.

We were quite seized with this. This was very important testimony for us to hear. I want to thank you all, especially you, Madam Sochua, for flying in from New Zealand for this. We really appreciate it, and we'll certainly be taking this up amongst committee members.

Thank you very much.

The meeting is adjourned.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its Committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its Committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <http://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante : <http://www.noscommunes.ca>