



General Assembly

Distr.: General
XX August 2014

English only

Human Rights Council

Twenty-seventh session

Agenda item 10

Technical assistance and capacity-building

Written statement* submitted by Human Rights Now, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 August 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Human Rights Situations in Cambodia

1. Background

In Cambodia, serious human rights abuses continue to be perpetrated. Especially serious violations of the right to peaceful assembly and of the right to a fair trial (due to a lack of independence of the judiciary) recently have occurred.

In accordance with the following recent tragic violations in Cambodia, Human Rights Now (HRN), a Tokyo-based international human rights organization, calls for the UN Human Rights Council to monitor closely the human rights situation regarding the violations of peaceful assembly and expression and to urge that the oppression of human rights activists be ceased immediately. Additionally, HRN calls on Cambodian authorities to comply with international human rights law and immediately cease all violations and to protect defenders of human rights who monitor and analyze the governance of Cambodia.

On 2 January 2014, the wage strike of the garment workers in Phnom Penh was violently suppressed as armed soldiers chased and beat workers with slingshots, batons, and metal pipes, even though union leaders were protesting their wages peacefully. The following day, the suppression of striking workers by security forces resulted in deadly violence, killing at least four people¹. The two-day suppression of garment workers by security forces also resulted in the injury of at least 38 people and the arrest of 23 individuals². On 4 January, a group of mixed security forces and thugs dispersed peaceful Cambodia National Rescue Party (CNRP) protesters at Freedom Park and the Ministry of the Interior declared a ban on all forms of gathering and marches³.

Ahead of the Labor Day holiday in May, the roads to Freedom Park and the park itself, originally designated as a spot to exercise the right of peaceful assembly and expression, were barricaded by police to prevent entrance into the park.⁴ During 15-17 July 2014, eight members of CNRP, including seven Parliament Members-elect and a high profile CNRP youth leader, were arrested after violence broke out between protesters and security forces at Freedom Park during a demonstration requesting that the government withdraw its closure of the park⁵. The eight members were released on July 22 only after the CPP and CNRP came to political agreement to conclude the prolonged political stalemate. All eight still face serious charges - including leading an insurrection - that can be used as a tool for political harassment at any time.

Additionally, three youth leaders of the CNRP were arrested and sent to the Phnom Penh Municipal Court on August 2nd⁶. The youths were participating in a demonstration at Freedom Park on July 15th that saw eight adult members arrested⁷. One of the three leaders, Mr. Khin Chamrouen, the head of the CNRP's Phnom Penh Youth

¹ Aljazeera "Cambodia garment workers' strike turn deadly" January 3, 2014. Available at: <http://www.aljazeera.com/news/asia-pacific/2014/01/cambodia-garment-workers-strike-turns-deadly-2014134464180721.html>

² LICADHO and FIDH "Report for the Human Rights Committee's Task Force for the adoption of the list of issues on Cambodia" Available at: <http://www.licadho-cambodia.org/reports/files/196FIDH+LICADHO-SubmissionHRC2014-English.pdf>

³ Ibid.

⁴ The Cambodia Daily "Freedom Park Locked Down Ahead of Labor Day" May 1, 2014. Available at: <http://www.cambodiadaily.com/news/freedom-park-locked-down-ahead-of-labor-day-57846/>

⁵ Human Rights Watch (2014) "Cambodia: Drop Cases Against Opposition Politicians." Available at: <http://www.hrw.org/news/2014/07/17/cambodia-drop-cases-against-opposition-politicians> (Accessed on 2014/8/16)

⁶ The Cambodia Daily "Three CNRP youth leaders arrested; One in Prey Sar" August 2, 2014. Available at: <http://www.cambodiadaily.com/news/three-cnrp-youth-leaders-arrested-one-in-prey-sar-65586/>

⁷ Ibid.

party, was sent to Prey Sar prison after he refused to answer to questioning⁸. This arrest occurred during the discussions concerning constitutional amendments between the CPP and CNRP⁹.

2. Violations of the right to peaceful assembly

First, HRN is concerned over the loss of democratic processes in Cambodia since 2013. After the general election on July 28th, 2013, the opposition party called investigations into evidence of fraud and other irregularities by the CPP, who took 68 out of 123 seats in the national assembly. Though the right to peaceful assembly is currently under intense restrictions and control by the Cambodian government, the opposition parties continue to call for the protection of this right. However, the government has consistently marred the political process by obstructing the activities of opposition parties. Moreover, the government has either directed or allowed the suppression of peaceful demonstrations as striking workers have been attacked by police, military police, army soldiers, district security guards, and private security firms. For example, between January and September 2013, there were at least seven incidents of violence against striking workers, resulting in 41 injuries.

In 2014, the persistent and sometimes lethal suppression of peaceful assemblies intensified as mentioned above. Furthermore, the latest suppression – against Lor Peang villagers – was reported on 12 August¹⁰. More than 50 villagers from the Lor Peang community, who had begun their 60 km-long peaceful march from Kampong Chhnang province to Phnom Penh calling for a resolution to their long-standing land dispute, were suppressed by a large group of police and military police officers. Three villagers were arrested and sent to the provincial court. The right to assembly is one of the most basic human rights. Without technology, assembly is the easiest way for individuals to express their own opinion to the government. As long as assemblies are held peacefully, a democratic government should not seek to suppress them.

3. Lack of Independence of the Judiciary

HRN is also concerned about the inability of the judiciary to serve as a check on executive power, as clearly illustrated by the events mentioned above. Under the Cambodian Criminal Code, those charged with leading an insurrectional movement (Article 459), incitement to commit a felony (Article 495), and instigating aggravated, intentional violence (Article 28 and 218),¹¹ if found guilty, will be imprisoned for up to 30 years.¹²

Even though the eight CNRP members who were arrested in connection with the violence of July 15 in Freedom Park were released, they are still accused of violating the Cambodian Criminal Code articles 28, 218, 495, and 459. According to the 23 national NGOs joint statement, eye witnesses and video evidence from July 15 demonstrate that there is absolutely no evidence against the eight that could justify the charges.

One of the three CNRP youth leaders, who were arrested on August 2, was also accused of the same crimes as the eight CNRP officials. Specifically, Chamreun was charged under Article 28, 218, 459, 495. San Kimheng and Neang Sokhun were accused of aggravated intentional violence (Article 218), aggravated obstruction of a public official (Article 504), and participating in an insurrection (Articles 456 and 457). These charges are said to be “purely politically motivated”¹³. Thus, the judiciary is not independent and these arbitrary arrests violate the right to peaceful assembly as well as the legitimacy of political dialogues and processes.

⁸ Ibid.

⁹ LICADHO. Flash News: Three CNRP youths leaders denied bail by Phnom Peng Municipal Court. Available at: <http://www.licadho-cambodia.org/flashnews.php?perm=75>

¹⁰ LICADHO “LICADHO Condemns the Violent Crackdown of a Peaceful March by La Peang Villagers” Available at: <http://www.licadho-cambodia.org/pressrelease.php?perm=352>

¹¹ LICADHO “Seven Opposition MPs Detained Amid Ongoing Restrictions on Peaceful Assembly” Available at: <http://www.licadho-cambodia.org/pressrelease.php?perm=350>

¹² Ibid.

¹³ “Abuse of the Court to Suit Political Agenda Must Cease and Charges against CNRP Members Dropped” <http://www.licadho-cambodia.org/pressrelease.php?perm=351>

Baseless charges against human rights defenders and participants in peaceful assemblies must be avoided. Such charges have chilling effects on people's motivations to exercise their rights of expressions and assembly. Even if the administration and the police go out of control, the judicial power must remain independent and able to check executive power in terms of the rule of law.

4. Recommendations

Human Rights Now (HRN) recommends the following to the Cambodian authorities:

- 1) To guarantee the constitutional right to peaceful assembly for all Cambodians to be put into immediate effect by lifting the existing restrictions on assembly.
- 2) To secure the independence of the judiciary and rule of law, to stop the political abuse of the legal system by the ruling party, and to ensure the fair treatment of those arrested in strict accordance with human rights standards relating to the administration of justice.
- 3) To establish or strengthen those state institutions responsible for human rights implementation and independent monitoring.
- 4) To conduct independent and transparent investigations on the killing, injuries, and disappearance of people who participated in peaceful demonstrations and clarify those responsible.
- 5) To carry out a comprehensive reform of not only the judiciary but also parliament so that the situation which has prevailed since the National Assembly elections in July 2013 does not repeat itself

HRN requests that the UN Human Rights Council closely monitor the current human rights situation in Cambodia and take necessary action in relation to the above compelling problems.
