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Cambodia: Immediately release and drop charges against Union Leader Chhim Sithar

Amnesty International and Human Rights Watch call on the Cambodian authorities to immediately and unconditionally release from detention Chhim Sithar, leader of Labor Rights Supported Union (LRSU) of Khmer Employees of NagaWorld and drop all charges against her. She is being detained solely for her work defending workers' rights, in violation of international human rights law.

On 26 November 2022, Sithar was returning from a trip to Australia when she was arrested for allegedly violating bail conditions that neither she nor her lawyer were informed of. Her lawyer was not provided with her case file, which would contain bail conditions, despite requesting it.

Sithar travelled to Australia to attend the International Trade Union Confederation World Congress in November.

Amnesty International and Human Rights Watch are concerned that the rearrest of Sithar for allegedly violating bail conditions stems solely from her meeting with other trade unions and the peaceful exercise of her rights to freedom of expression and association. Her detention also undermines workers' rights to organize and bargain collectively.

On 21 November 2022, Human Rights Watch [published a report](#) documenting the ways in which the Cambodian government had attacked trade union members, including the case of Sithar. Sithar is quoted in the report discussing tactics used by Cambodian officials and NagaWorld, a Hong Kong-listed company that runs a casino in Phnom Penh, against independent trade unions.

Sithar was initially charged on 3 January 2022, when she and fellow union members held a well-publicized strike against NagaWorld. Cambodian authorities charged Sithar with the crime of "incitement to commit a felony" under Articles 494 and 495 of Cambodia's Criminal Code but have thus far not presented any evidence to substantiate the allegations. The baseless accusations show that the authorities have misused the criminal justice system to target, harass and undermine union workers who were striking peacefully.

The following day, 4 January 2022, plainclothes security officials reportedly approached Sithar in a crowd and violently arrested her by grabbing her around the neck and dragging her into a car as she attempted to join a strike against NagaWorld. Sithar was held for 74 days in pretrial detention and later released on bail.

Cambodian authorities contend that Sithar's alleged violations of her bail conditions after she travelled to Australia justify her detention pending trial. However, neither Sithar nor her lawyer were informed of any travel ban or other restrictions imposed as part of her bail conditions. In fact, since Sithar was released on bail in March, she has travelled outside of Cambodia twice to Thailand in September and October and did not face any restrictions during either of these trips. These restrictions follow from charges that were brought solely in reprisal for her work in defence of worker's rights, which render her detention arbitrary.

Cambodian authorities are misusing the justice system to target and harass Sithar solely for her labor rights work as LRSU union leader. In April 2021, NagaWorld conducted a mass lay off raising concerns of the unfair dismissal of 1,329 casino workers, which has led to strike actions that continue until the present. The layoff has disproportionately affected union leaders and members.

Under international human rights law and standards, workers cannot be discriminated against or targeted for participating in trade union activities. This protection against anti-union discrimination includes dismissal for participating in union activity. Cambodian authorities have an obligation under international human rights law not only to respect the rights of workers but also to protect these rights from abuse by private actors. These obligations are enshrined in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both treaties ratified by Cambodia, as well as in International Labour Organisation (ILO) Convention No. 87, which protects the right to freedom of association and the right to organize.

During the strike at NagaWorld, the authorities have repeatedly acted in violation of international human rights and labor law. The Cambodian police have physically slapped workers, forced workers who were striking peacefully onto buses to break up protests, and arbitrarily detained union leaders and members.

Sithar's arrests reflect a pattern of a discriminatory and politically motivated retaliation by government authorities against union leaders attempting to hold the Cambodian government and corporations to account for failing to protect workers' rights.

Amnesty International and Human Rights Watch call upon the Cambodian authorities to release Chhim Sithar immediately and unconditionally and to drop all charges against her and other union members and workers of the LRSU who have been prosecuted solely for their work in defence of workers' rights. The authorities should also conduct a prompt, thorough, independent and impartial investigation into the circumstances that led to the arbitrary detention of Sithar and other union members of the LRSU and ensure that no other trade union members are targeted by the criminal justice system. Finally, we urge the Cambodian authorities to bring Cambodia's laws and regulations into full compliance with international human rights law and the provisions of ILO Convention No. 87 that it has ratified, thereby guaranteeing the rights to freedom of association and to organize and collectively bargain across the country.