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Cambodia: End suppression of human rights, respect the right to peaceful assembly

With several assemblies planned in Cambodia's capital Phnom Penh over the next few days, Amnesty International calls on the authorities to end their suppression of human rights and fully respect the right to peaceful assembly.

The opposition Cambodia National Rescue Party (CNRP) plans to hold a "people's congress" of some 5,000 supporters at the capital's Freedom Park from midday on Sunday 30 March, for consultation on the current political situation.

On the same day, CNRP leader Sam Rainsy will lead a morning ceremony outside Cambodia's National Assembly in memory of the victims of the grenade attack against a peaceful opposition party gathering in Phnom Penh on 30 March 1997. No one has ever been brought to justice for this attack, which left at least 16 people dead and more than 100 injured.

The authorities have stated that they will permit the memorial gathering, but have refused to permit the opposition assembly to take place in the afternoon.

On the following day, Monday 31 March, independent Beehive radio station owner Mam Sonando plans to organize a peaceful protest to call for wider coverage for his station in the provinces and a television station relay. However, the authorities have refused to permit this assembly also, which would comprise around 200 demonstrators meeting at Freedom Park in the morning before marching to the Ministry of Information.

Most media in Cambodia is pro-government. Mam Sonando has been imprisoned three times for peacefully exercising his right to freedom of expression. Most recently, he was sentenced to 20 years' imprisonment in October 2012 on politically motivated charges of "insurrection". Amnesty International designated him a prisoner of conscience. In March 2013, Cambodia's Appeal Court overturned his convictions for more serious offences, suspended his sentence for lesser offences, and released him.

Amnesty International calls on the Cambodian authorities to ensure that the assemblies on 30 and 31 March are able to take place without undue interference and without harassment from security forces, and that in policing these assemblies the security forces avoid the unnecessary use of force against demonstrators. If incidents of violence occur, the security forces must restrict any use of force to the minimum necessary to contain the situation, in compliance with international law enforcement and human rights law and standards.

Background

The right to peaceful assembly – for people to come together to express their views – is protected in Article 21 of the International Covenant on Civil and Political Rights (ICCPR), to which Cambodia is a state party, and in Cambodia's Constitution. As the UN Special Rapporteur on the situation of human rights in Cambodia has stated, "the role of the state in peaceful demonstrations is to facilitate, not

hinder, them.”

If an assembly turns violent, security forces must use only such force as is strictly necessary and to the extent required to contain the situation. They may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary for defence against an imminent threat of death or serious injury. The intentional lethal use of firearms is only permissible if it is strictly unavoidable in order to protect life.

The CNRP has held a series of mass peaceful demonstrations in Phnom Penh and around the country since the disputed national election of 28 July 2013. The party has refused to join the National Assembly, alleging massive election irregularities and demanding an independent investigation into the conduct of the election.

Sunday’s planned opposition assembly will be the first to take place in the capital since a violent crackdown on striking garment workers and others in January 2014.

In December 2013, striking garment workers demanding an increase to the minimum wage converged with ongoing opposition CNRP demonstrations contesting the result of the national election. The scale of these demonstrations was unprecedented in Cambodia.

But over three days from 2 January 2014, authorities used excessive force that flouted international law and standards on the use of force and firearms to put an end to the strike and to opposition assemblies, which had been overwhelmingly peaceful.

On 3 January, at least four individuals were shot dead, one 16 year-old boy left missing and feared dead, and scores injured, after security forces fired live ammunition at garment workers and others at an assembly that turned violent in Phnom Penh’s Pur Senchey district.

Dozens of people were hospitalized including many with bullet wounds. Teenagers were among the casualties, and the injuries sustained from gunshots and beatings include cerebral bleeding, eye injuries and possible blindness, broken limbs, abdomen injuries and ruptured intestines.

Twenty-three people, all male, were arrested at the assemblies during these two days and charged with using violence and damaging property. For several days, authorities withheld information about their whereabouts, detained them incommunicado and denied them access to lawyers and family members.

A boy aged 17 and one man were released on bail on 7 February, but bail for the remaining 21 men was denied by a court at a closed hearing on 11 February by a decision in which no detailed reasoning was given and which apparently ignored the international legal presumption in favour of release pending trial. At least three of those still detained are human rights defenders with a track record of peaceful activism: association leader Vorn Pao, farmers’ network coordinator Theng Savoeun, and housing rights activist and community leader Chan Puthisak.

As part of the crackdown, on 4 January police and gendarmes looked on and military helicopters flew overhead as scores of men armed with metal poles and batons – some in civilian clothing with red scarves, and others identified as the capital’s Daun Penh District Public Order Personnel – stormed Freedom Park to break up an entirely peaceful ongoing CNRP assembly. Moreover, on the same day, the authorities effectively sought to suspend indefinitely the constitutional and human right to peaceful assembly by announcing a ban on all assemblies in Phnom Penh.

In a speech on 25 February, Cambodia’s Prime Minister Hun Sen appeared to lift the ban on assemblies in the capital. But the municipal authority has continued to refuse to permit demonstrations to take place and the security forces have broken up some of those that have been attempted.

Amnesty International has called for an impartial and thorough investigation into the security forces’

use of force at demonstrations and other assemblies since the national election of 28 July 2013, for those responsible for human rights violations to be held to account, and for victims to receive reparations.

The organization is also calling for the ban on peaceful assemblies to be lifted fully, and for the 21 men who remain detained after their arrest in January to be given a fair hearing before a court, at which they should be granted bail unless the authorities can demonstrate convincingly that no other less restrictive measure than pre-trial detention can suffice to attain any legitimate aim with regard to the prevention or investigation of crime. The 21 must also be immediately granted access to adequate medical care by a doctor of their choice.

Notes:

For background, see:

Open Letter Urging an Immediate Investigation into the Disappearance of Khem Saphath, Joint Letter, 23 March 2014;

Universal Periodic Review: Address Cambodia's human rights crisis, Public Statement, Amnesty International and the Cambodian League for the Promotion and Defense of Human Rights (LICADHO), 26 January 2014;

Cambodia: Investigate protest killings by security forces, Press Release, Amnesty International, 3 January 2014;

Cambodia: Journalist's release from prison a step in the right direction, Press Release, 14 March 2013.

ENDS

Public document *****