

**Fact Sheet:** Recent Official Interference with Freedoms of Assembly and Expression

**Timeline:** March – August 2016

**Snapshot:** Events at recent demonstrations and protests indicate that the fundamental freedoms of expression and assembly in the Kingdom of Cambodia (“Cambodia”) are facing ever-greater interference and restriction at the hands of local and national authorities.



## Introduction

Recent protest, demonstration, and opposition activities, have seen the Royal Government of Cambodia (the “RGC”) increasingly employ state repression in violation of the fundamental freedoms of expression and assembly. The objectives of this Fact Sheet are to describe this recent trend, list some characteristic examples, and emphasize the danger of limiting fundamental freedoms.

This Fact Sheet is written by the Cambodian Center for Human Rights (“CCHR”), a non-aligned, independent, non-governmental organization (“NGO”) that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout Cambodia.

## Black Monday Campaign

May 2016 saw the beginning of a new campaign of peaceful demonstrations – the “Black Monday” campaign. The first event was an attempted march to Prey Sar prison to express solidarity with the five human rights defenders detained on what are widely believed to be politically motivated charges in relation to the deputy opposition leader’s alleged extra-marital relationship. Authorities reacted with a heavy-handed approach, employing tactics such as diversion of personnel and traffic away from the scene, intrusive photography of participants and observers, and an attempt to detain all foreigners in attendance. From the campaign’s outset, it was treated as a *de facto* illegal activity, and the Ministry of the Interior announced that participation would be tantamount to “*incitement*” and contradictory to public order.<sup>1</sup>

Since the beginning of the campaign, each peaceful “Black Monday” event has been marked by official interference. Nine weeks into the campaign, the confrontation escalated as violence erupted between the protesters and security guards.<sup>2</sup> Four Borei Keila protesters were arrested attempting to join the 15<sup>th</sup> “Black Monday” protest<sup>3</sup> on 15 August, and on the same day Boeung Kak activists Ms. Tep Vanny and Ms. Bov Sophea were arrested on charges of “*incitement*” in relation to a “Black Monday” affiliated ceremony.<sup>4</sup> On 22 August, the two were convicted by the Phnom Penh Municipal Court after the trial judge changed the charges to “*insult*”; both were found guilty and sentenced to the maximum penalty of six days imprisonment in addition to a 80,000 Riel fine each. Bov Sophea was released the same day,

1 Chhay Channyda, et al. ‘NGO officials, activists arrested in ‘Black Monday’ protest crackdown’, *The Phnom Penh Post*, (9 May 2016), <http://bit.ly/2bKRWj1>

2 Pech Sotheary, ‘Scuffles in latest round of ‘Black Monday’ protests’, *The Phnom Penh Post*, (5 July 2016), <http://bit.ly/29paQZP>

3 Taing Vida, ‘CNRP is Back in Black’, *The Khmer Times*, (16 August 2016), <http://bit.ly/2aVBNEo>

4 Lay Samean, ‘Summons, arrest tally grows around Sokha mistress bribery scandal’, *The Phnom Penh Post*, (16 August 2016), <http://bit.ly/2bAokbi>

having already served her time while in pre-trial detention. Tep Vanny was kept in pre-trial detention based on separate “*intentional violence*” charges which were re-activated on 19 August, despite the protest to which the charges relate occurring three years ago. A Spanish researcher, Ms. Marga Bujosa Segado, who was arrested alongside Vanny and Sophea for participation in “Black Monday”, was deported from Cambodia on 16 August.

To date, CCHR has documented 33 arrests<sup>5</sup> made in relation to the Black Monday campaign. Several of the arrests were made under incorrect legal interpretation that such peaceful assemblies, many of which have been held in communities, had an obligation to seek prior permission.<sup>6</sup>

### **CNRP Thumbprint Petition Campaign**

In reaction to the RGC’s reaction to Kem Sokha’s alleged extra-marital relationship and associated detentions, the Cambodia National Rescue Party (“CNRP”) launched a drive to collect thumbprints and petition the King. Government reaction was swift. For example, on 19 May, two CNRP activists in Kompong Thom province were arrested on charges of “*inciting the people*” for collecting thumbprints.<sup>7</sup> On 30 May, the CNRP submitted 170,000 thumbprints endorsing its petition. Again, the RGC obstructed the campaign and questioned its credibility, establishing Ministry of the Interior and National Police task forces to investigate the thumbprints on 8 June.<sup>8</sup> The tenacious, costly government campaign briefly stalled on 9 June, when the Ministry of Interior indicated that it could not continue its investigation without additional funding.<sup>9</sup> Citing alleged irregularities involving as many as 738 thumbprints, the Ministry of the Interior received authorization for legal action on 16 August. Such legal action could entail indictment and imprisonment of opposition lawmakers involved in the petition.<sup>10</sup>

### **Other Instances of Restriction and Interference**

Official interference in the freedoms of assembly and expression have by no means been limited to the “Black Monday” campaign or harassment of the political opposition. CCHR has documented numerous instances where authorities at all levels of the RGC have resorted to tactics of intimidation, interference, obstruction, threats both implicit and explicit, and sometimes outright violence to suppress fundamental freedoms of expression and assembly in recent months. For example, in March, Mother Nature activists were interdicted by police *en route* to a protest outside Prime Minister Hun Sen’s residence.<sup>11</sup> On 18 April, provincial officials in Preah Vihear prohibited the holding of a peaceful memorial ceremony dedicated to lost lands.<sup>12</sup> It is an alarming trend that attempts to petition officials through legal means

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<sup>5</sup> To clarify, 33 is the number of arrests made, not the number of people (many of the arrests have involved the same people)

<sup>6</sup> Lay Samean, ‘Five arrested in second round of ‘Black Monday’ protests’, *The Phnom Penh Post*, (17 May 2016), <http://bit.ly/2by0YTI>

<sup>7</sup> Ben Sokhean, ‘Arrests Over Petition to Free Rights Workers’, *The Cambodia Daily*, (20 May 2016), <http://bit.ly/1Tj6pop>

<sup>8</sup> Niem Chheng, ‘Police form 26 groups to verify CNRP petition signatures’, *The Phnom Penh Post*, (8 June 2016), <http://bit.ly/29ADoEY>

<sup>9</sup> Sek Odom, ‘More Money Needed to Probe Thumbprints’, *The Cambodia Daily*, (10 June 2016), <http://bit.ly/29uHCM7>

<sup>10</sup> Taing Vida, ‘Legal Threat on Thumbprints’, *The Khmer Times*, (17 August 2016), <http://bit.ly/2aY81iF>

<sup>11</sup> Khuon Narim, ‘Police Block Families of Mother Nature Activists During March’, *The Cambodia Daily*, (1 April 2016), <http://bit.ly/29ADtIA>

<sup>12</sup> Bo Savy, ‘Preah Vihear Provincial Officials Prohibit the Staging of a Memorial Ceremony Dedicated to Lost Lands’, *VOD Hot News*, (18 April 2016), <http://bit.ly/29TrGkB>

are often ignored, and when citizens resort to demonstrations or other peaceful forms of assembly and expression, their actions are suppressed outright. Following arrest, release from detention both for ‘Black Monday’ protesters and other detainees has often been contingent on the endorsement of pledges not participate in future protests. Thus, the initial assault on the right to peaceful assembly is exacerbated by a preemptive suppression of the same right.<sup>13</sup> This has become a typical strategy and has seen application in a variety of situations, including the coercion of pledges from indigenous populations to not access ancestral lands.<sup>14</sup> In cases where charges are pursued, a dangerous legal precedent is set by allowing bail only when detainees pledge not to engage in legal activity arbitrarily redefined as criminal.

CCHR and other NGOs have also experienced operational restrictions on research, training, seminars, and other activities. For example, on a number of occasions in the past 12 months, CCHR has had its research in communities affected by land conflict interrupted by the authorities.

## Conclusion

Cambodia is rapidly becoming an unpermissive environment not only for explicit protests, but nearly all NGO and civil society activities. As a result, the RGC is coming under increasing pressure to curtail its attacks on civil society as international institutions and organizations criticize its campaign to silence peaceful opposition. For example, on 9 June, the European Parliament passed a motion stating that the amount of financial assistance that the European Union provides to Cambodia should be dependent on improvements of the country’s human rights situation.<sup>15</sup> In the same month, the United States followed suit, demanding an end to “*violence and harassment against civil society*” as a condition for financial aid.<sup>16</sup> The ruling party’s reaction to the peaceful “Black Monday” and CNRP petition campaigns have been characterized by paranoia and alarming tenacity. Authorities’ interference with freedoms of expression and assembly directly threaten activists, opposition parties, and NGOs. Moreover, such interference is a hindrance to the diversity of opinion and political discourse necessary to maintain a vibrant and engaged civil society, essential for a healthy democracy.

**For more details, please contact CCHR Protecting Fundamental Freedoms Project Coordinator Ms. Chhay Chhunly via telephone at +855 (0) 17 528 021 or email at [chhunly.chhay@cchrcambodia.org](mailto:chhunly.chhay@cchrcambodia.org) or CCHR Legal Consultant Mr. Pat de Brún via telephone at +855 (0) 89 536 215 or e-mail at [pat.debrun@cchrcambodia.org](mailto:pat.debrun@cchrcambodia.org).**



<sup>13</sup> Lay Samean, ‘Five arrested in second round of ‘Black Monday’ protests’, *The Phnom Penh Post*, (17 May 2016), <http://bit.ly/2byOYTl>

<sup>14</sup> Mech Dara, ‘Trio accused of clearing Mondulkiri land released on bail’, *The Phnom Penh Post*, (8 June 2016), <http://bit.ly/2bhmeJH>

<sup>15</sup> Shaun Turton, ‘Global pressure on CPP builds’, *The Phnom Penh Post*, (10 June 2016), <http://bit.ly/1XdyRZv>

<sup>16</sup> Sopheak Hoeun, ‘US Places Conditions on Aid to Cambodia’, *VOA News*, (1 July 2016), <http://bit.ly/29mnWq9>