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Cambodia: Free Detained Youth, Environmental Activists

End de Facto Ban on Phnom Penh Protests
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(Bangkok) – The Cambodian authorities should immediately drop baseless incitement charges against 14 recently detained youth and environmental activists and unconditionally release them, Human Rights Watch said today.

The authorities have arrested the 14 since August 2020 for organizing or taking part in peaceful protests. Eleven of them were held for calling for the release of a detained union leader, Rong Chhun. Youth activists had planned an eight-day protest at the designated protest area, called “Freedom Park,” on the outskirts of Phnom Penh. However, the authorities rejected the planners’ notification of the planned protests. On September 7, security forces blocked about 20 protesters outside of Freedom Park from entering the public protest space.

“The Cambodian authorities’ latest wave of arrests of activists shows a highly disturbing disregard not only for freedom of expression and assembly, but for land rights and the environment,” said Phil Robertson, deputy Asia director. “The authorities should stop misusing penal code provisions on incitement to prevent peaceful critics from making public demands of the government.”

The youth and environmental activists arrested are Chum Puthy, Chhoung Pheng, Sar Kanika, Chhoeun Daravy, Hun Vannak, Soung Sophorn, Mean Prom Mony, Venerable Keut Saray, Kong Sam An, Eng Malai, Tha Lavy, Thun Ratha, Long Kunthea, and Phoung Keorasmeay. The authorities had arrested Rong Chhun on July 31 and charged him with incitement following his most recent public advocacy for the land rights of villagers living near Cambodia’s border with Vietnam. Security force cordons had disrupted three previous attempts to protest Chhun’s detention outside Phnom Penh’s municipal court.



Supporters of Rong Chhun, president of the Cambodian Confederation of Unions, shout slogans in front of Phnom Penh Municipal Court in Phnom Penh, Cambodia on Saturday, August 1, 2020.

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Cambodia's Law on Peaceful Demonstration requires organizers of peaceful protest activities simply to notify the authorities. Article 5 of the law states that "Any group of individuals who wishes to organize a peaceful assembly at any public venue shall notify the competent municipal or provincial territorial authorities in charge of that place in writing." Article 9 states that officials must send a positive response to the notification unless the protest would fall on a major national holiday or "there is clear information indicating that the demonstration may cause danger or may seriously jeopardize security, safety and public order."

Section II of the law specifies that a demonstration at a "Freedom Park" and those of fewer than 200 protesters should be allowed unless it threatens public order: the "authorities should use their best efforts to assure that all groups wanting to demonstrate are able to do so and that, to the extent possible, all groups are able to demonstrate in the manner, time, and location they requested."

While the protesters' notification to Phnom Penh City Hall stated that about 200 protesters would attend, City Hall's response letter claimed unconvincingly that the organizers "did not identify who will be participating and the number of participants could be dangerous or could affect security, safety and public order" and that the protesters had "made their appeal on a Facebook page named 'Active Citizen,' which shows that their meaning is to incite people against the court's procedures." Other Cambodian authorities labeled the protests potential disturbances of "national security" and on that basis sought to justify the government's response.

In 2013 and 2014, the original Freedom Park, located in central Phnom Penh, was the site of brutal security force attacks against protesters, including union members, workers, and opposition supporters. In 2017, Phnom Penh City Hall moved the designated Freedom Park to the outskirts of the capital in an apparent move to restrict freedom of expression and assembly.

Eng Malai, Hun Vannak, Chhoeun Daravy, Tha Lavy, and Venerable Keut Saray are members of the Khmer Thavrak youth group, which was founded by Hun Vannak in January. Hun Vannak and Chhoeun Daravy, both detained since August 13 for their involvement in protests calling for the release of Rong Chhun, are known for their activism with the environmental group Mother Nature Cambodia.

On September 3, the authorities arrested Thun Ratha, Long Kunthea, and Phoung Keorasmey, all activists with Mother Nature Cambodia, and detained them on incitement charges. Their arrests followed their social media actions announcing their plans for Long Kunthea to peacefully march from Phnom Penh's Wat Phnom temple to Prime Minister Hun Sen's residence to raise concerns over a development project to fill the city's Boeung Tamok lake. The Swedish Embassy in Phnom Penh publicly expressed concern over the arrests and charges against the activists and stated it was closely monitoring events.

On September 7, the Interior Ministry publicly instructed the authorities to take legal action against

members of the Khmer Thavrak youth group and Mother Nature Cambodia on the unsupported grounds that their activities constituted incitement and serve to instigate social unrest.

On September 8, The United Nations special rapporteur on Cambodia, Rhona Smith, criticized the arrests and said that Cambodian officials should “ensure that these [activists’] rights are respected and protected and to create an environment in which individuals are able to exercise these rights.” The same day, the UN special rapporteur on human rights defenders, Mary Lawlor, publicly expressed concern about the government’s decision to label peaceful activities of Khmer Thavrak and Mother Nature Cambodia illegal.

Cambodia is currently detaining over 50 people on politically motivated grounds, including opposition Cambodian National Rescue Party activists, youth, environmental activists, and journalists reporting for independent media outlets.

At the 45th UN Human Rights Council session starting on September 14, Smith, the special rapporteur, and the UN’s human rights office in Cambodia will present their annual assessments of the human rights situation in Cambodia.

“The authorities should immediately free all those wrongfully detained and Prime Minister Hun Sen should end the de facto ban on critical protests in Phnom Penh,” Robertson said. “These recurring abuses make it all the more important that the UN Human Rights Council adopt a resolution that increases UN monitoring and reporting on human rights in Cambodia by the UN High Commissioner for Human Rights.”

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