

**Joint Open Letter to Cambodian Officials regarding discriminatory comments made by Phnom Penh
Municipality Deputy Police Chief**

8 August 2012

Samdach Akak Moha Sena Padey Techo Hun Sen,
Prime Minister of the Kingdom of Cambodia,
Cabinet of the Prime Minister, Council of Ministers
Phnom Penh, Kingdom of Cambodia

H.E. Sar Kheng
Deputy Prime Minister, Minister of Interior,
Ministry of Interior,
Phnom Penh, Kingdom of Cambodia

H.E. Kep Chuktima,
Governor of Phnom Penh Municipality,
Phnom Penh, Kingdom of Cambodia

Lokchumteav Ing Kuntha Phavy,
President of Cambodian National Council for Women (CNCW) and Minister of Women's Affairs,
Ministry of Women's Affairs,
Phnom Penh, Cambodia

**Dear Samdach Akak Moha Sena Padey Techo Hun Sen, H.E. Sar Kheng, H.E. Kep Chuktima, and
Lokchumteav Ing Kuntha Phavy,**

Today, we the undersigned Cambodian and International Civil Society Members, call for the dismissal of Phnom Penh Deputy Police Chief Phuong Malay based on his unacceptable, facetious and offensive reaction to the lawsuit taken against him for his alleged role in the miscarriage of a female protester who was kicked in the stomach by a member of his police force.

On 27 June 2012, the pregnant woman, Bov Srey Sras, had joined a group of supporters in attempting to march to the Court of Appeal where the Boeung Kak 13, amongst them her sister, were having their case heard. Despite the supporters acting within their rights, a violent clash with police took place. Not only was Bov Srey Sras brutally mistreated by officers in this clash, causing her to lose her baby, but when she announced that she was suing the three men she believes responsible, amongst them Phuong Malay, the Deputy Police Chief publicly insulted and degraded her. On the front page of *The Phnom Penh Post* newspaper on 01 August, Malay is quoted as follows:

“Is the victim old or young, and does she sue me to return her kid? I want to tell her that if she wants to get back her kid, I am also young.”

We Civil Society Members would like to inform Prime Minister Hun Sen, H.E. Sar Kheng, whose ministry oversees law enforcement, H.E. Kep Chuktima, Governor of the Phnom Penh Municipality, and Lokchumteav Ing Kuntha Phavy, President of the Cambodian National Council for Women and Minister of Women's Affairs, that Cambodia is a party to the United Nations (“UN”) Convention for the Elimination of

Discrimination Against Women (“CEDAW”), which requires the State to take measures to suppress all forms of gender discrimination. Article 31 of the Constitution of the Kingdom of Cambodia (the “Constitution”) incorporates CEDAW into Cambodian law, by obliging the Royal Government of Cambodia (the “RGC”) to recognize international human rights provisions. Article 26 of the Constitution stipulates that once a human rights treaty is ratified, it will automatically become Cambodian law. Article 31 also demands the equality of all Cambodian citizens, regardless of race, colour, religion, political beliefs, class or gender, and Article 150 requires state institutions to directly conform to constitutional provisions.

The function of law enforcement in a democracy is to provide a service to civilians. The UN Code of Conduct for Law Enforcement Officials (1979), which was adopted to apply to the Cambodian police forces, requires that, “in the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.” It is the role of the police to serve the community and to protect all persons against illegal acts. The Cambodian police authorities have a legal and ethical responsibility to the people of the nation, to uphold their human rights and their dignity.

If Deputy Police Chief Phuong Malay believes it is acceptable to make such offensive and discriminatory remarks, he is clearly incapable of the high degree of responsibility required by his profession. As Deputy Chief it is also important that he is not permitted to set such a deplorable example to his subordinates. We, the undersigned Civil Society groups, therefore call for the immediate dismissal of Phuong Malay from his position and for an assurance from the RGC that Cambodian police will in future be properly trained and equipped with the skills and the knowledge to respect and protect the human rights and human dignity of all Cambodian citizens.

Sincerely yours,

The undersigned organizations:

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