Joint Statement

Arrest Of Two Activists Highlights Authorities’ Lack Of Respect For Freedom Of Expression And Assembly

Phnom Penh, 12 July 2019 - We, the undersigned civil society groups, denounce the unjustified use of security personnel during the third anniversary of political commentator Kem Ley’s death and call for the immediate and unconditional release of two activists, Kong Raiya and Soung Neakpaon, from detention and the dropping of all charges against them.

Both men were arrested for peacefully exercising their freedom of expression while commemorating the anniversary of the death of political commentator Kem Ley, who was murdered on 10 July 2016. Shortly after their arrests, both men were charged with criminal incitement under Articles 494 and 495 of the Criminal Code and are being detained at Phnom Penh’s Correctional Center 1.

Kong Raiya, 28, and three family members were arrested on 9 July 2019 after Raiya advertised in a Facebook post that he was selling t-shirts featuring the image of Kem Ley. He also posted the number of a taxi driver who could bring people to Phnom Penh to participate in a ceremony to remember the slain analyst. It is based on these actions that authorities have charged Kong Raiya with “incitement to commit felony” – a baseless allegation that violates his right to peaceful expression, guaranteed under Article 41 of Cambodia’s Constitution. Raiya was previously arrested in August 2015 and sentenced to 18 months in prison under identical spurious charges in relation to a separate Facebook post.

Soung Neakpaon, 29, was arrested the day after Raiya, on 10 July 2019, outside of the Caltex Bokor petrol station where Kem Ley was murdered three years earlier. Neakpaon, a former member of Kem Ley’s youth group, was attending a commemorative ceremony at the station, but was arrested along with twin brothers and activists - Chum Hout and Chum Hour - both of whom were carrying a flower wreath to place near the station. The twin brothers were released the same day.

Prior to his arrest, Neakpaon was holding a sign that read “End extrajudicial killings,” an opinion that actively discourages all people and institutions from committing a felony offence. His arrest and charges mark yet another low point in the government’s crackdown on free speech and peaceful assembly in Cambodia.

The charges against these individuals effectively criminalise acts of remembrance of Kem Ley, such as the attending of commemorative ceremonies or the wearing of t-shirts with his image and quotations. The respected political analyst was shot in broad daylight in July 2016, with the case never receiving an independent or thorough investigation. The accusation that a peaceful gathering merits a prison sentence is a serious and systematic threat to the little remaining space left for freedom of expression in the country.

These arrests took place as events in Phnom Penh and across several provinces were also restricted by authorities, who told organisers that they required prior permission to hold events marking the anniversary of Kem Ley’s murder. Organisers in Banteay Meanchey, Kampong Cham, Kampong Chhnang, and Kandal provinces reported being threatened with a police presence that was deployed to monitor the events. The event in Phnom Penh was surrounded by more than 50 officers who aggressively disrupted the peaceful activities, seizing flowers and ordering people to remove their shirts. Members of the Grassroots Democracy Party, a political
party co-founded by Kem Ley, were stopped outside their Phnom Penh offices on the way to the Caltex Bokor gathering and then to a ceremony in Takeo, Ley’s home province.

We reiterate our call for the government to respect the right to freedom of expression guaranteed under Article 41 of the Cambodian Constitution and Article 19(2) of the International Covenant on Civil and Political Rights, and call for the immediate and unconditional release of both Kong Raiya and Soung Neakpaon and the dropping of all charges against them.

This statement is endorsed by:
1. 24 Families Community (Preah Sihanouk)
2. 92 Community (Phnom Penh)
3. 297 Land Community (Koh Kong)
4. Activities for Environment Community (AEC)
5. Alliance for Conflict Transformation (ACT)
6. Angdoung Trabek Land Community (Svay Rieng)
7. Areng Indigenous Community (Koh Kong)
8. Bat Khteah Community (Preah Sihanouk)
9. Boeng Chhuk Community (Phnom Penh)
10. Boeung Pram Community (Battambang)
11. Borei Keila Community (Phnom Penh)
12. Bos Sa Am Community (Battambang)
13. Buddhism for Peace Organization (BPO)
14. Building and Wood Workers Trade Union Federation of Cambodia (BWTUC)
15. Cambodian Alliance of Trade Unions (CATU)
16. Cambodian Center for Human Rights (CCHR)
17. Cambodia’s Independent Civil Servants Association (CICA)
18. Cambodian Development People Life (CDPLA)
19. Cambodian Human Rights and Development Association (ADHOC)
20. Cambodian Food and Service Workers’ Federation (CFSWF)
21. Cambodian Independent Teachers’ Association (CITA)
22. Cambodian League for the Promotion and Defense of Human Rights (LICADHO)
23. Cambodian NGO Committee on CEDAW
24. Cambodian Youth Network (CYN)
25. Chek Meas Land Community (Svay Rieng)
26. Cheko Community (Phnom Penh)
27. Center for Alliance of Labor and Human Rights (CENTRAL)
28. Chikor Kraom Land Community (Koh Kong)
29. Chikor Leu Land Community (Koh Kong)
30. Chorm Kravean Community (Kampong Cham)
31. CI5 Community (Preah Sihanouk)
32. Coalition of Cambodian Apparel Workers Democratic Union (C.CAWDU)
33. Coalition of Cambodian Farmers Community Association (CCFC)
34. Coalition of Integrity and Social Accountability (CISA)
35. Collective Union of Movement of Workers (CUMW)
36. Equitable Cambodia (EC)
37. Forestry and Natural Resource Community (Pursat)
38. Free Trade Union of Workers of Kingdom of Cambodia (FTUWKC)
39. Gender and Development Cambodia (GADC)
40. Horng Samnom Community (Kampong Speu)
41. Independent Democracy of Informal Economy Association (IDEA)
42. Independent Monk Network for Social Justice (IMNSJ)
43. Indigenous Youth at Brome Community (Preah Vihear)
44. Indradevi Association (IDA)
45. Koh Sralao Fishery Community (Koh Kong)
46. Koh Sdach Fishery Community (Koh Kong)
47. Koh Sdach Land Community (Koh Kong)
48. Lor Peang Land Community (Kampong Chhnang)
49. Mlup Prom Vihea Thor Center (Koh Kong)
50. Moeunchey Land Community (Svay Rieng)
51. Mother Nature Cambodia (MNC)
52. Ou Tracheak Chet Community (Preah Sihanouk)
53. People Center for Development and Peace (PDP-Center)
54. Phnom Bat Community (Phnom Penh)
55. Phnom Sleuk Community (Battambang)
56. Phasar Kandal Village Land Community (Banteay Meanchey)
57. Phum 22 Community (Phnom Penh)
58. Phum Kdeb Thmor Land Community (Banteay Meanchey)
59. Phum Dei Chhnang Community (Kampong Speu)
60. Phum Sela Khmer Land Community (Banteay Meanchey)
61. Ponlok Khmer (PKH)
62. Poy Japan Land Community (Koh Kong)
63. Preah Vihear Kouy Indigenous Community
64. Prek Ksach Land Community (Koh Kong)
65. Prek Takung Community (Phnom Penh)
66. Prek Tanou Community (Phnom Penh)
67. Prey Chher Kbal Kla Community (Kompong Thom)
68. Prey Chher Pich Sangva Laor Chhert Community (Kampong Chhnang)
69. Prey Long Community (Kompong Thom)
70. Prey Peay Fishery Community (Kampot)
71. Rum Cheik Land Community (Siem Reap)
72. Sahmakum Teang Tnaut (STT)
73. Sdey Krom Fishery Community (Battambang)
74. Skun Land Community (Siem Reap)
75. Spean Chhes Community (Preah Sihanouk)
76. Sre Prang Community (Kampong Cham)
77. Ta Noun Land Community (Koh Kong)
78. Ta Trai Village Land Community (Banteay Meanchey)
79. Thmor Da Land Community (Pursat)
80. Toul Samrong Community (Kampong Chhnang)
81. Trapaing Anhchanh Thmey Community
82. Trapaing Chor Community (Kampong Speu)
83. Trapaing Krasaing Land Community (Siem Reap)
84. Tumnop II Community (Pursat)
85. Urban Poor Women Development (UPWD)
86. Village 1 Land Community