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A Statement by the Asian Human Rights Commission

CAMBODIA: The government must ban social control that violates human rights

Cambodian society was under communist rule for some 15 years before the international community helped it to embrace liberal, pluralistic democracy with rule of law and respect for human rights at the beginning the 1990s. It has in many ways become an open society where people can enjoy property rights, freedom of enterprise in a free market economy, freedom of movement inside and outside the country, access to education and other public services, and a number of other rights. However, many forms of social control and the dysfunction of the institutions for the rule of law have limited or denied altogether the enjoyment of such rights and freedoms.

A recent story of the search by an NGO for a venue to hold a public forum in an area in Phnom Penh is a starkly insidious instance of such control.

Upon requests from residents of the Boeung Kok Lake, Srah Chak commune, Daun Penh district, the Cambodian Centre for Human Rights (CCHR) planned to hold a public forum for the residents, municipal and other concerned officials, to meet and address the issue of eviction without just compensation. The municipal authorities have leased the natural lake called Boeung Kak and its surroundings to Shukaku Inc., a private development company owned by a Senator from the ruling Cambodian People’s Party (CPP), for a period of 99 years for US$79 millions.

Shukaku then started to fill in the lake. This filling has subsequently flooded and destroyed houses and roads in the area and the dispute over compensation has not been resolved. The authorities have ignored the repeated requests of the residents for just compensation and also their request that the company should cease filling the lake. The authorities have instead pressurised the residents to accept the compensation package they set for them. Such pressure, together with the continuing filling of the lake is but a slow forced eviction of those people.

The CCHR is widely known for the public forums it has organised across the country for people with grievances and concerned government officials to come together in an effort to address these grievances. On 20 April 2009 the CCHR assigned an officer to contact different people in the lake area to find a venue for the forum. He identified the big mosque in the area as a very suitable place. The officer approached the caller of the mosque who was, at that time, willing to accommodate their request and let the CCHR use its yard for the forum. However, the caller instructed the CCHR officer to first secure an authorization from the local authorities, and an endorsement from a prominent Muslim leader and member of the mosque’s committee named Ahmad Yayha. This prominent committee member is a former Member of Parliament who defected from the opposition party to the CPP.
The next day the same officer together with a colleague was looking for other venues and approached a Buddhist monastery, also not far from the lake. The monastery’s secretary rejected his request out of hand and refused to allow them the use of the monastery’s yard. His reason was his fear of losing a big grant from two prominent ladies who were sponsoring the construction of a building within the monastery. One lady is the widow of the country’s top police officer who was a prominent member of the CPP. The other lady is the wife of a current deputy prime minister.

The two CCHR officers then tried to secure the venue at the mosque and followed the instructions the caller of the mosque had given. On 24 April they managed to contact Ahmad Yahya and asked him for permission to use the mosque. He told them to contact a Senator named Van Mat also from the CPP and chairman of the mosque’s committee. They contacted Van Mat who then told them to secure a permit from the Municipality, implying that with this permit the mosque’s yard could be used as the venue of the forum. They then applied for a permit to the Municipality of Phnom Penh.

Later on Van Mat changed his mind and told the CCHR officers the mosque could not be used for such a forum as it was against Islamic rules, while the Municipality also informed them it had no authority over the mosque and was not in a position to give any permit for the utilization of its premises. Unable to find the venue, the CCHR cancelled the planned forum.

The following day, a resident who was helping to distribute leaflets calling the lake residents to the forum was summoned to see officials of Srah Chak commune where the lake is located, simply to be warned of the consequences of her activity. “Why do you continue to call and incite residents to go to the meeting now that the forum has already been called off? You should quietly contact the company. Beware! You could be sent to prison.” So they told her.

The CCHR did not abandon the forum in the same area and its officials continued the search for a venue. On May 25 a resident found them a guesthouse called the Lazy Fish which was willing to rent its premises as the venue for US$250. They booked the place and made a deposit of US$50. The forum was then planned for 12 June.

Hardly a week later, on 1 June, the head and deputy head of village 6 in Srah Chak commune chief went to threaten the owner of the guest house, saying: “If you let the CCHR conduct the public forum, your guest house will close after the forum.” Several days later the owner was summoned to the commune office. After his meeting with the commune officials, he informed the CCHR that he no longer wanted to rent his place for its forum unless the CCHR could secure a permit from the municipal authorities.

On 8 June the authorities shut down that guesthouse on the allegation that “its business licence had expired.” As a result the prospects of the Boeung Kak Lake residents being able to exercise their right of assembly and expression through a public forum and of getting the authorities to address the compensation issue with them through that venue was practically closed.

The Asian Human Rights Commission (AHRC) therefore urges the Cambodian government to honour its human rights obligations and take immediate action to ban all forms of social control
that blocks and impedes the exercise of human rights by its people. The Cambodian government should order the Municipality of Phnom Penh to abandon any attempt to deny the Boeung Kak Lake residents and the Cambodian Centre for Human Rights their right to hold a public forum with all concerned officials to address the issue of eviction and compensation for those residents.

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**About AHRC:** The Asian Human Rights Commission is a regional non-governmental organisation monitoring and lobbying human rights issues in Asia. The Hong Kong-based group was founded in 1984.

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