



CCHR MEDIA COMMENT – Phnom Penh, 22 January 2013

CCHR expresses concern regarding the violation of the rights to freedom of expression and assembly by police in Battambang

The Cambodian Center for Human Rights (“CCHR”) expresses strong concern at the arrest of 10 young men and eight young women in Battambang on Saturday, simply for gathering in a public place while wearing matching T-shirts, in an attempt to promote their pop group (*The Phnom Penh Post*, Monday 21 January 2013, p.3). The T-shirts carried the slogan “Don’t Scare” and a flaming skull logo. Believing they were gangsters, police detained the youths overnight, releasing them only after they had been ‘educated’ and had promised that they would no longer commit the ‘crime’ of wearing matching T-shirts.

The youths had committed no offense under the Cambodian Criminal Code 2009 (the “Penal Code”), but were instead merely exercising their human rights to freedom of expression and assembly. The right to freedom of expression, which encompasses expression through clothing choice, is guaranteed under Article 41 of the Constitution of the Kingdom of Cambodia (the “Constitution”) and under Article 19 of the International Covenant on Civil and Political Rights (the “ICCPR”), ratified by Cambodia in 1992. The right to freedom of assembly is also guaranteed under Article 41 of the Constitution, as well as under Article 21 of the ICCPR. These rights are acceptably restricted in some cases; however, the youths presented no threat to public order, morality or national security in their actions. In addition, no public interest was served by their arrest and detention, both of which therefore constitute a clear violation of their rights to freedom of expression and assembly.

CCHR believes that this case highlights the dangers created by the Village-Commune Safety Policy (the “VCSP”) - a 2010 executive edict introduced by the Ministry of Interior, which is being applied by the police as though it were a law democratically adopted by the National Assembly. Despite the fact that it is not a law, the VCSP is being implemented in some cases in direct contravention of primary legislation such as the Penal Code. Among other guidelines, the VCSP suggests measures to tackle gang activities in Cambodia, such as asking hoteliers and bar owners to report groups of young people ‘loitering’ outside their establishments. It appears that the Battambang police may have been motivated by the VCSP to arrest, detain and ‘educate’ 18 innocent young people.

It is important that young people are not stigmatized as gang members and ‘loiterers’; they should instead be respected as individuals exercising their right to peacefully assemble as guaranteed by Cambodian and domestic law. To treat a gathering of young people any differently than a gathering of older citizens violates the right to freedom from discrimination as protected under Article 31 of the Constitution. Additionally, the right to be considered innocent until proven guilty, which is

guaranteed under Article 38 of the Constitution, requires that young people not be treated as gang members in the absence of concrete evidence to suggest that they are involved in gang activities. Moreover, at a critical time in an individual's development, it is important that the rights to free expression and free assembly are recognized as vital components of self-realization and important steps to becoming a mature and engaged member of a democratic society.

In response to this case, CCHR Freedom of Expression Project Coordinator Ramana Sorn states:

"The arrest of these 18 youths emphasizes the heavy-handed and paranoid approach of the Cambodian state in tackling crime and social problems, at the expense of fundamental human rights. Cambodian youths should be encouraged to express themselves freely rather than have their right to free expression harshly stifled as it was in this case. We hope that this unfortunate incident will prompt the Royal Government of Cambodia to issue clarification on the legal status of the VCSP to all public authorities, including the police. In this way, the police will become more aware of the extent of their law enforcement powers, allowing them to develop effective crime-fighting policies which at the same time conform to the human rights standards enshrined in domestic and international law."

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Notes to Editor:

CCHR, founded in November 2002, is a non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout Cambodia.

CCHR is a member of the International Freedom of Expression Exchange (IFEX), the global network for freedom of expression.

The Cambodian Human Rights Portal www.sithi.org is the 2011 winner of the Information Society Innovation Fund Award in the category of Rights and Freedoms.