This letter was translated from Khmer Official Letter.

Samdech Kralahom Sar Kheng,
Deputy Prime Minister and Minister of the Interior,
Ministry of the Interior,
275 Preah Norodom Boulevard,
Phnom Penh.

Phnom Penh, 21 August 2015

CCHR Open Letter Seeks Clarification Regarding Application of the *LANGO* to CBOs and Informal Groups

Dear Samdech Kralahom Sar Kheng,

I am writing to request that you issue a statement of clarification regarding the application of the Law on Associations and Non-Governmantal Organizations ("LANGO") to small community-based organizations ("CBOs") and informal groups. During the official "National Workshop on Understanding the LANGO" held on 8 July 2015, H.E. Sak Setha, Secretary of State for the Ministry of Interior, responded to concerns regarding application of the law to CBOs and informal groups by assuring participants that the LANGO would not be applied to small community groups wishing to voice collective concerns on local issues.[1] However, I have become deeply concerned about this issue as a result of recent developments in Kratie.

In April 2015, a group of 71 families in Khsoem commune, Snuol district, Kratie province came together to express their concerns regarding a dispute over a 250-hectare plot of land.[2] On Saturday, 15 August 2015, Snuol district deputy police chief Nom Srun summoned two representatives of the 71 families to the district police office, and told the community representatives that they must register their group with the Ministry of Interior ("MoI"). According to one of the representatives, the deputy police chief asked the group to sign a contract promising to refrain from all protest activity until the MoI approved their registration under the LANGO, and threatened punishment if the group did not comply.[3] When contacted by CCHR, deputy police chief Nom Srun confirmed that he told the community that, under the LANGO, they were required to be registered with the MoI. Today, H.E. Sak Setha has again stated that, in his view, the LANGO should "probably" not apply in this case – further

[1] Taing Vida & Shaun Turton, 'NGO Law tweaks mulled', Phnom Penh Post, (09 July 2015); Kuch Naren & Zsombor Peter 'Opposition Walks Out of NGO Law Workshop', The Cambodia Daily (09 July 2015).
[2] Information regarding the number of families invovled in the dispute and the date of the formation of the group differs from the referenced news reports, but has been verfied directly with the community by CCHR.
[3] Aun Chhengpor, 'Kratie Families Feel Effects of NGO Law', The Cambodia Daily (17 August 2015).

highlighting the need for clarification.[4] In light of the assurances made by representatives of the Royal Government of Cambodia ("RGC"), I trust you will agree that this case amounts to a wrongful implementation of the LANGO.

CCHR, along with many other Civil Society Organizations ("CSOs"), and the UN Office of the High Commissioner for Human Rights ("OHCHR"), has previously voiced concerns regarding the potential implications of the LANGO being applied to small CBOs and informal groups. In our legal analysis of the 5th Draft of the LANGO, CCHR expressed concern that the law could be misinterpreted by public officials due to the vague language of Article 4. This article defines the types of groups to be covered by the law, and small community-based organizations and informal groupings are excluded from the list, thereby leaving the law open to interpretation. If the LANGO is applied to small CBOs and informal groups, in contradiction with the RGC's stated intent, the right to freedom of association in Cambodia will be severely impaired. Moreover, it is likely to also affect the right to assembly and other associated rights, such as the right to freedom of expression and the right to participate in the political, social and economic life of the nation.

In order to achieve a satisfactory, fair, and legally sound outcome to the case in Khsoem commune, and to avoid future misapplication of the law, I urge Your Excellency to issue a statement of clarification regarding the proper application of the LANGO, excluding small CBOs and infomal groups. I remain willing and available to work with the Royal Government of Cambodia in order to ensure that the LANGO is implemented or amended in a manner that respects international human rights standards.

Yours sincerely,

Chak Sopheap
Executive Director
Cambodian Center for Human Rights

CC: His Majesty King Norodom Sihamoni;
Samdech Akeak Moha Ponhea Chakrei Heng Samrin (National Assembly President);
Samdech Vibol Sena Pheakdei Say Chhum (Senate President);
Constitutional Council of Cambodia.

[4] Zsombor Peter, 'Group to Help NGOs Navigate New Legislation', The Cambodia Daily (20 August 2015)