Joint Statement – Phnom Penh, 3 July 2017
Authorities block Khmer Krom march

On 12 June 2017, Khmer Kampuchea Krom Community sent a letter to the Phnom Penh City Hall authorities, informing them that on 24 June they planned to hold a religious ceremony at Wat Chas with around 2,000 participants, followed by a march with around 200 participants from Wat Chas to the National Assembly to submit a petition. On 19 June, the City Hall sent a letter in reply to Mr. Thach Setha, Director of Khmer Kampuchea Krom Community, stating that while the ceremony was allowed the march was banned on grounds of security and public order.

On 24 June the religious ceremony at Wat Chas took place without incident. However, when the community attempted to depart from Wat Chas to march to the National Assembly to deliver the petition, they were prevented by around 100 police, armed with riot shields and accompanied by two large trucks. After 45 minutes, Mr. Setha, as well as three other cars, were allowed to proceed through the roadblock and were able to deliver the petition to the National Assembly. The petition called for 4 June to be made a national holiday in Cambodia, to commemorate 4 June 1949, when France transferred its colony of Cochinchina – which included land that some consider should belong to Cambodia - to Viet Nam.¹

Mr. Son Chum Chuon, Senior Program Director of the Khmer Kampuchea Krom for Human Rights and Development Association comments: “I regret the actions of the authorities who have banned the Khmer Kampuchea Krom community’s procession to deliver the petition to the National Assembly. This is a practice contrary to the Constitution of the Kingdom of Cambodia and international human rights principles. On behalf of the Khmer Kampuchea Krom for Human Rights and Development Association, we consider this to amount to racial discrimination, threats and the suppression of the right to freedom of expression of Khmer Krom by their fellow Khmers.”

Under the Law on Peaceful Demonstrations, persons wishing to organize a demonstration or march must notify the competent municipal or provincial authority at least five days ahead of the planned gathering²; the authorities must reply within three days of submission of the notification letter, otherwise their approval should be assumed.³ The authority may only respond negatively to the notification if the proposed gathering falls on one of six listed public holidays or if “there is clear information indicating that the demonstration may cause danger or may seriously jeopardize security, safety and public order.”⁴

² Articles 5, 6, and 7 of the 2009 Law on Peaceful Demonstration.
³ Article 10 of the 2009 Law on Peaceful Demonstration.
⁴ Article 9 of the 2009 Law on Peaceful Demonstration.
While it is welcome that the religious ceremony was allowed to proceed without restriction, and that authorities and the organizers were able to reach a solution that allowed the petition to be delivered by a small group, the banning of the march imposed a restriction on the community’s freedoms of assembly and expression, which does not appear to be justified under Cambodian or international law.

The rights to freedom of assembly and freedom of expression are protected by Article 41 of the Constitution of Cambodia and Articles 19 and 21 respectively of the International Covenant on Civil and Political Rights, to which Cambodia is a party. These rights may only be lawfully restricted if that restriction is “necessary in a democratic society” in the interests of one of a limited list of possible justifications, including national security and public order. It is unclear what evidence the authorities relied on to reach their conclusion that the march may jeopardize “security and public order;” in particular, there is no evidence that any potential disruption that may be caused by the march would be sufficiently grave to render the total ban of the march “necessary” in a democratic society such as Cambodia.

The threatening deployment of 100 riot police and road blocks to prevent the community from marching is a completely disproportionate response, which risks a chilling effect on others who wish to legitimately exercise their right to peacefully assemble. Alternative measures, such as agreeing an alternative route for the march, or the deployment of police to reduce traffic disruption and ensure public safety would have been a more proportionate response, which would have preserved the right of the community to exercise their right to freedom of assembly. These restrictions are even more concerning in light of their application to members of the Khmer Krom community, a minority group which has historically faced discrimination and harassment in both Cambodia and Viet Nam. The fundamental freedoms of assembly and expression belong to all persons, without discrimination, and provide equal protection to expression of minority, unpopular or even offensive views.

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