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Cambodian Center for Human Rights

CCHR Alert – Phnom Penh, 11 July 2019

Third anniversary of the killing of Dr. Kem Ley marked by restrictions to the rights to freedom of expression and freedom of peaceful assembly, including arrests of youth activists.

Nature of violation: Violations of fundamental freedoms

Rights involved: Freedom of expression and freedom of peaceful assembly

Commemorations of the third anniversary of the killing of Dr. Kem Ley on 10 July 2019 were marked by excessive restrictions by Cambodian authorities to the right to freedom of peaceful assembly and freedom of expression of the public, who wished to pay their respects and honor the memory and legacy of Dr. Kem Ley.

To mark the anniversary of Dr. Kem Ley’s death, on 10 July 2019, youth activists, students, and representatives of unions and civil society gathered at Caltex Bokor gas station to have a coffee and lay flowers in his memory. They were met with heavy police presence surrounding the gas station, with around 100 mixed police and security forces present. Authorities prevented people from laying flowers in front of the gas station to pay their respects, and harassed activists who were peacefully drinking coffee inside the station, including by asking them to cover t-shirts portraying the image of Dr. Kem Ley.

During the attempted commemoration, three youth activists were arrested by police directly outside the gas station as they carried flowers. The three youths were subsequently taken into police custody. Two of them, brothers Chum Hout and Chum Hour, both environmental activists, were released from custody in the evening on the same day of the arrest. The third youth, Suong Neakpoan, a youth activist, was reportedly brought for questioning at the Phnom Penh Municipal Court on 11 July 2019. He was provisionally charged of “Incitement to Commit a Felony” under Articles 494 and 495 of the Criminal Code by the prosecutor, and will be further questioned by the investigating judge on 12 July 2019.

On 11 July 2019, around 20 members of the Grassroot Democracy Party (GDP) were stopped by police officers as they were leaving party headquarters in Phnom Penh to attend a ceremony being held at Dr. Kem Ley’s hometown in Takeo province.

One day prior to the anniversary, on 9 July 2019, four other individuals were arrested by police for allegedly “inciting social chaos” for selling t-shirts which portrayed a portrait and a quote from Dr. Kem Ley (“*You will also be victimized even if you do nothing. It is just a matter of time*”). These individuals included Kong Raiya, a former student activist, and three of his family members. The three family members were subsequently released while Kong Raiya was brought to questioning at the Phnom Penh Municipal Court.

On the morning of 11 July 2019, Kong Raiya was questioned by the prosecutor at the Phnom Penh Municipal Court and charged with “Incitement to Commit a Felony” under Articles 494 and 495 of the Criminal Code. He was subsequently sent to pre-trial detention by the investigating judge in the afternoon of 11 July 2019. Kong Raiya was previously arrested and convicted of “Incitement to Commit a Felony” in 2015, and sentenced to 18 months in prison in relation to a Facebook post calling for a “color revolution”. He was released in 2017 after serving his sentence.

Local authorities also reportedly prohibited and interfered with public commemoration ceremonies in several provinces, including Kompong Cham and Banteay Meanchey provinces.

On 10 July 2016, Dr. Kem Ley, a well-respected political commentator and human rights defender, was shot and killed while having a morning coffee at the Caltex Bokor gas station located on Monivong Boulevard in Phnom Penh.

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