Fact Sheet: Fundamental Freedoms Series: Meetings and Trainings

Fundamental Freedom: Freedom of Assembly

Snapshot: Local authorities’ recent attempts to intimidate and harass civil society and derail legitimate training events are a clear violation of domestic and international law – in particular the right to freedom of assembly – confirming that the authorities see themselves as above the law.

Introduction

This fact sheet gives an overview of the tactics of intimidation, harassment and unlawful restriction of legitimate meetings and trainings conducted in the Kingdom of Cambodia ("Cambodia") – in particular recent disruptions to human rights training events in Kampong Thom province – and how such measures affect Khmer people’s fundamental right to freedom of assembly. This fact sheet was written by the Cambodian Center for Human Rights ("CCHR"), a non-aligned, independent, non-governmental organization ("NGO") which works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout Cambodia.

Rule by AK-47

On 9 August 2011, a human rights training event – conducted by CCHR and the Natural Resource Protection Group (the “NRPG”) so as to provide local villagers with legal training as to their rights in relation to the destruction of Prey Lang forest and the loss of their homes and livelihoods – was disrupted by armed police in Dang Kambith commune, Sandan district, Kampong Thom province. CCHR regularly holds events to equip communities with knowledge of human rights generally and, in particular, the administrative laws which are directly related to the protection of natural resources. According to The Cambodia Daily, the police chief of Kampong Thom province declared that he would seek the suspension of CCHR and NRPG if they continued to hold such events. The Cambodia Daily quoted the provincial police chief as claiming that CCHR’s and NRPG’s activities “included acts to incite citizens to oppose government [approved] land concessions.” Contrary to this statement, the people of Prey Lang actively contacted CCHR and NRPG and invited them to help them after experiencing difficulties arising from land rights issues and land evictions in and around Prey Lang forest. Police also said that CCHR had no official permission to conduct training; yet CCHR is under no legal requirement to apply for permission (please see below). Furthermore, CCHR did in fact notify authorities in writing – as a courtesy – despite there being no legal requirement to do so.

Regardless of the threats of suspension to CCHR and NRPG, both NGOs went ahead with conducting further training in Mean Rith commune, also in Sandan district, on 7 September 2011. However, police once again arrived with AK-47s and broke up the training. CCHR understands that many potential participants were prevented from traveling to the meeting by local authorities, with only 34 managing to attend. Police threatened to arrest the organizers of the event, and Div Hok, director governor of Sandan district, ordered police to photograph all participants, organizers and observers attending the event. He also demanded that organizers provide identification cards for all participants, although this request was denied. Deputy Governor of Kampong Thom province, Ouch Sam On, declared at a meeting held later the same day that NGOs without offices in Kampong Thom province could no longer conduct activities without permission from the authorities. He also said that no members of communities outside Kampong Thom province would in future be able to travel there to participate in events, even though such people may live in provinces – such as Preah Vihear, Stung Treng and Kratie – that are also affected by the destruction of Prey Lang forest. Such arbitrary
pronouncements have absolutely no basis in the law, and breach both Article 40 of the Constitution of the Kingdom of Cambodia (the “Constitution”) – which provides for the right to “travel far and near”, in other words, the right to free movement – and Article 42, which provides for the right to freedom of association.

**Demonstration law**
According to the Law on Peaceful Demonstrations 2009 (the “Demonstration Law”), permission is not necessary for such events. The Demonstration Law outlines the conditions and requirements for obtaining permission to hold several types of events; however, “educational dissemination activities” are clearly listed as an exemption (Article 3). Furthermore, according to the implementation guidelines for the Demonstration Law, “educational dissemination activities” include “trainings, workshops, public forums and press conferences, whether on private or public property”. Organizers of the training were therefore under no obligation to ask permission to hold the training.

**Freedom of assembly – domestic and international law**
Article 41 of the Constitution provides for the right to freedom of assembly (as well as expression). In addition, Article 35 provides for Khmer citizens’ right to be actively involved in the political life of the nation. Moreover, as per Article 31, Article 20 of the Universal Declaration of Human Rights and Article 21 of the International Covenant on Civil and Political Rights – which provide for the universal right to freedom of assembly – are “recognized and respected” by Cambodian law.

**Shrinking civil and democratic space**
The suspension threats, intimidation and harassment of CCHR and NRPG in relation to the conducting of completely legal training activities come amid an ongoing crackdown by the Royal Government of Cambodia (the “RGC”) and local authorities on all civil and democratic space in Cambodia: advocacy, watchdog and human rights NGOs have been threatened with suspension or, in the case of Sahmakum Teang Tnaut, actually suspended – for five months. The RGC has also opened up a second – legislative – front in its attack on civil and democratic space and its bid for total control over civil society: not only will the controversial draft Law on Associations and Non-Government Organizations (the “LANGO”), as currently drafted, serve to stifle grassroots democracy and civil society by imposing onerous registration requirements on community-based organizations and informal civil society networks, but it will also allow the RGC total discretion (in practice) as to which organizations will be registered and permitted to conduct activities throughout Cambodia. These recent events bring the RGC’s motivations for passing the LANGO into question.

**Conclusion**
The disruption of training events and the intimidation of NGOs are proof that the Cambodian authorities see themselves as being above the law. Such actions have no legal basis whatsoever – they are in direct breach of the Demonstration Law, the Constitution and international law. Such actions represent an attack on the right to freedom of assembly (among others) which, when viewed against the background of recent suspensions and threats against NGOs, is all the more concerning.

For more details please contact Ou Virak (tel: +855 (0) 1240 4051 or e-mail: ouvirak@cchrcambodia.org) or Robert Finch (tel: +855 (0) 7880 9960 or e-mail: robert.finch@cchrcambodia.org).