**Fact Sheet: Violent Response to Workers Protest**

**Timeline:** July 2012

**Snapshot:** The recent violent attempts by the authorities to crack down a workers demonstration, including the beating and arrest of a protestor, is one of many across the Kingdom of Cambodia ("Cambodia") that highlights the regular disregard for the right to freedom to peaceful assembly by the authorities.

### Introduction

This fact sheet provides an overview of the peaceful demonstration undertaken on 11 July 2012 by employees of the Tai Yang (recently renamed Tai Nan) factory, during which Rong Panha, an employee of the Cambodian Confederation of Unions ("CCU") was beaten and arrested by the authorities. This incident was the culmination of efforts by law enforcement officers to disband the demonstration, in violation of national law and international standards regarding the right to peaceful assembly. This fact sheet is written by the Cambodian Center for Human Rights ("CCHR"), 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.

### Case Background

Since 25 June 2012, garment workers from the recently-renamed Tai Nan factory – which supplies U.S. brands such as Gap and Old Navy and is located in Kandal province – have held a series of protests. They have been calling for, amongst other things, higher levels of compensation than that offered by the factory for the severance of their contracts following the change in the factory’s name.

On 11 July 2012, approximately 500 workers gathered in the Freedom Park, located in central Phnom Penh, intending to march from there to Wat Botum and to submit a petition to the Cabinet of the Prime Minister Hun Sen calling for a solution. They were immediately surrounded by a force of between 200 and 300 military police in riot gear who had been waiting nearby and were prevented from leaving the freedom park. After a short stand-off, it was agreed that twenty representatives would be permitted to leave the Freedom Park and to deliver the petition at Wat Botum.

After submitting the petition at Wat Botum, the twenty representatives – a group that included Rong Panha, as well as CCU president Rong Chhun – refused police requests to vacate the adjoining public park, explaining that they wanted to rest for a short time after walking across town. Police and military police surrounded Rong Chhun as the workers tried to usher him from the area, fearing that he would be arrested. In the melee that followed, a mixed group of police and military police turned on Rong Panha, beating him viciously across the head with batons. He was pulled to the ground and held in a prone position, blood gushing from his face, before being hauled by his arms and legs into the back of a nearby police van which sped him from the scene to the office of the Phnom Penh Police Commissariat. Mr. Long was released shortly after 10.00 pm on 11 July and taken to a medical clinic for treatment to injuries sustained to his face and forehead, before returning home to his family.

### A Pattern of Violence

The use of violence by the Royal Government of Cambodia ("RGC") to quell demonstrations, as was done on 11 July, is a regular occurrence and not an exception to the rule. In February 2012,
during a protest at a factory in Svay Rieng province, the local governor, Chhouk Bandith, opened fire on demonstrators, shooting three female factory workers. On 27 June 2012, during a protest held during the appeal trial for the 13 Boeung Kak lake women, authorities beat at least three people – including an 11 year old girl, a 14 year old boy, and the 25 year old sister of one of the women who is said to have suffered a miscarriage as a result of having been kicked in the abdomen by a member of the security forces.

**Freedom of Assembly and the Demonstration Law**

The rights to freedom of expression and freedom of assembly are protected under the Constitution of the Kingdom Cambodia (the “Constitution”), the Universal Declaration of Human Rights (“UDHR”) and the International Covenant on Civil and Political Rights (“ICCPR”). Article 41 of the Constitution provides that all Khmer citizens have the right to “freedom of expression, press, publication and assembly,” while Article 31 of the Constitution states that Cambodia shall acknowledge and respect the UDHR and all covenants and conventions relating to human rights.

Article 21 of the ICCPR, in addition to recognizing the right of peaceful assembly, provides guidance on the potential restrictions to freedom of assembly: “No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.”

The Law on Peaceful Assembly (the “Demonstration Law”) elaborates on the constitutional guarantee of freedom of assembly, defining a demonstration as a violence-free gathering or march conducted by people to publicly demand, protest or express their sentiments, opinions or will. While the law excludes gatherings related to labor disputes when inside or near the fence of a factory or enterprise, the protections afforded by the Demonstration Law with regards to peaceful assembly nevertheless apply to the 11 July demonstration, given its distance from the Tai Nan factory.

**Conclusion/Recommendations**

The extreme use of violence by the police during the 11 July demonstration exemplifies a pattern in Cambodia whereby the authorities are violating both national and international protections of the freedom of peaceful assembly by cracking down on demonstrations increasingly often, and with increasing violence, in their efforts to silence criticism.

The RGC should take immediate steps to ensure that the provisions for freedom of assembly in national and international laws are respected, as well as to ensure that the Demonstration Law is not misused by law enforcement officers. To this end, the RGC should ensure that municipal authorities and law enforcement officers are appropriately trained on the scope of the Demonstration Law and on principles of freedom of assembly.

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