Introduction

This briefing note provides a summary of the report, “The Koh Pich Tragedy: One Year on, Questions Remain” (the “Report”), which explores the events of the night of 22 November 2010, when over 350 people died in a deadly crush on Koh Pich Bridge during the 2010 Water Festival. This briefing note is written by the Cambodian Center for Human Rights (“CCHR”), a non-aligned, independent, non-governmental organization (“NGO”) that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout Cambodia.

The centuries old Water Festival, Bon Om Touk, is the biggest party of the year in Cambodia, when both international and national visitors flock to the capital for the festivities and the boat races, and to give thanks for the end of the rainy season. However, tragedy struck on Monday 22 November, when a crowd of people packed onto the narrow Koh Pich footbridge, which connects Phnom Penh to Koh Pich (“Diamond Island”). Large numbers of people became unable to move and were caught in a crush; this ultimately led to the deaths of over 350 people, with a similar number being injured. Cambodia’s Prime Minister, Hun Sen, labeled the disaster as the greatest tragedy to befall the country since the Khmer Rouge.¹

Nearly a year on from the tragedy, questions remain: What caused the panic and crush on the bridge? What health and safety measures were in place for the festival, and particularly surrounding the bridge? Were people electrocuted? Was the emergency response adequate? Have any new measures been implemented for future festivals to ensure there is no recurrence of this tragic event?

CCHR has attempted to discuss these and other questions that remain unanswered, and to examine the tragic events that unfolded on the bridge. This briefing note provides a summary of these discussions, as set out in detail in the Report. It must be stressed that the Report is not an attempt to provide definitive answers to the questions that remain about what occurred that night; it is merely written to raise the questions and discuss the issues arising from the crush and the days immediately following it, as well as the manner in which the tragedy was dealt with by the Royal Government of Cambodia (“RGC”).

Unanswered Questions

A number of questions remain as to how the disaster unfolded and what contributed to it. For example, the bridge was supposed to have operated a one-way system, but this does not seem to have been enforced. A number of witnesses that CCHR spoke to confirmed that people were travelling in both directions, and that the one-way system was not being enforced by the authorities.

¹ The Cambodia Daily, 24 November 2010, “Still unclear where buck stops in deadly stampede scandal”.
A police officer from Phnom Penh who CCHR interviewed also said that at the time of the incident, few police officers were standing on guard, and those that were, allowed people to travel in both directions.

There are also reports that there was a barrier at both ends of the bridge. It seems clear that the use of barriers would have contributed to the scale of the disaster, and indeed to the causes of it. For example, it is likely that the barriers would have meant that people were unable to move away from the crush, could have contributed to the concentration of people on the bridge, and prevented people from being able to ease the pressure at the center of the bridge. The barriers are also likely to have been a significant – if not the main – factor in causing people to fall over and be trampled upon.

Both the lack of enforcement of the one-way system, and the barriers on the bridge show a failing in the security procedures by the authorities, and a lack of appreciation that such tragedies can occur.

Although the details of the night of 22 November are unclear, it seems certain that the people on the bridge panicked for some reason. There have been a number of theories as to why people panicked, and what led to the concern of those on the bridge that night. For example, Information Minister Khieu Kanharith said that the crush began when the people became “scared of something”. Of the possible theories, witnesses and newspaper reports stated that the panic was caused by: (i) stories that the suspension bridge was collapsing, (ii) fear that people were being electrocuted, possibly due to a fault with the lighting on the bridge, or because the police were spraying the crowd with water cannons, (iii) people fainting due to the heat, or (iv) a fight that broke out between two rival gangs. It seems likely that the panic was the result of a number of different factors, and that we will never know the true sequence of events. The panic and resulting crush could simply be due to the fact that there were too many people within the small area of the bridge.

There is also uncertainty surrounding the number of deaths, as the numbers reported varied wildly in the week after the incident. Reasons given for the discrepancies include that friends or relatives took victims’ bodies home before their deaths could be registered, bereaved families removed some bodies from the scene, there was some overlap in the statistics, some of the bodies that were counted at hospitals had died of other causes, and that the numbers included missing persons. This lack of clarity seems inexplicable, as it should be possible to accurately identify how many people were involved in the incident.

Causes of Death

A number of different causes of death were reported after the tragedy, and these have changed over time. Hospitals reported that the primary causes of death were asphyxiation, drowning and internal bleeding. However, witnesses of the event and those injured that night have repeatedly said that some people were electrocuted, possibly due to the lighting on the bridge. Particularly concerning are the comments from a doctor that CCHR spoke to, who said that doctors within his hospital saw many people who had been electrocuted. However, shortly after this was made public,

3 Associated Press, 24 November 2010, “Cambodia stampede prompted by fear of bridge collapse, police say”.
5 Xinhua, 25 November 2010, “Cambodia gov’t revises down death figure of stampede to 347”.
6 Voice of America (VOA), 24 November 2010, “Unstable bridge blamed for deadly Cambodian stampede”.
a Military General came to speak to the hospital management, and the doctors were told not to mention death by electrocution. There were also reports that the police sprayed the crowd with water cannons – the precise reasons for this are unclear, but according to a member of the Australian Firefighters International Relief and Education (“AFIRE”), it seems that this may have been a valid step to take when so many people are crushed together in a small space.

The RGC has repeatedly denied that anyone died of electrocution, or that water cannons were used.

It is difficult to determine whether electrocutions or electric shocks were a contributing factor to the disaster, as there are a number of different versions of events. CCHR believes that the Koh Pich incident should be reinvestigated in order to determine what role, if any, electricity played in the event.

Some of the witnesses CCHR spoke to also mentioned “blood poisoning” as a later cause of death of those who were injured on the night of 22 November; this was not mentioned by the RGC or newspaper reports. CCHR spoke to a number of doctors at hospitals around Phnom Penh, who said that the main cause of death related to the victims being in the crowd too long. In such circumstances, the continued pressure can cause swelling, which if left untreated, can cause muscle fiber breakage and restriction of blood flow, ultimately leading to cell death due to lack of oxygen. When the fibers die, they become poisonous to the body and affect the nervous system. The poison destroys the bladder and liver, and can make patients appear swollen and unable to urinate. In addition, the victims were also stuck for a long time during the crush, and therefore lost energy trying to free themselves, and lost a lot of liquid from their bodies. This dehydration also affects the bladder. In such cases, the patient needs to have their blood “cleaned” through dialysis.

However, if the public (and indeed doctors) are not aware of this, as seems to be the case from the confused newspaper reports and witness accounts of their injuries, victims will continue to die from their injurie after such an event. It is important that the authorities and the public are made aware of this condition, and informed of and equipped to treat it.

**Compensation**

A huge amount of money was generously donated by the public, various companies and RGC bodies, showing how much the tragedy affected the Cambodian public. In total, Prime Minister Hun Sen announced that the families of each of the dead would be given at least US$12,000 from the various sources.  

Other reports stated that the families of the deceased could each receive up to US$12,250 (with the final total depending on the amounts allocated to the injured), and that the total amount of charitable donations topped US$4 million. This is a huge amount of money compared to the average earnings of Cambodian families, and shows how much the public wanted to try to help the victims.

However, the newspaper reports as to who offered what amounts to who are confusing. CCHR has been unable to verify the total amount donated, or the total amount pledged to each victim of the crush: the reports overlap in their information, and it is unclear what is a new pledge or donation, and what is a distribution of a previous pledge, and what was provided to all families rather than the ones that were seen on a particular day.

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8 Associated Press, 29 November 2010, “Cambodian PM says no punishment for fatal stampede”; Xinhua, 1 December 2010, “Stampede victims in Cambodia receive donation from TV funds”.

9 The Cambodia Daily, 29 November 2010, “Koh Pich Death Toll Rises Along with Donations”.
In addition, from the people CCHR spoke to, not all of the victims received all of the amounts pledged at the time of being interviewed. It should be noted that CCHR conducted its interviews of the witnesses and families shortly after the incident, and we have been unable to confirm whether the families received all of the compensation at a later date. CCHR has also not done a comprehensive assessment of the amounts of compensation donated and what was received by each family. However, from the information CCHR has been able to gather from our interviews shortly after the incident, and the news reports at the time, it appears that not everyone who was involved in the crush and entitled to compensation received it, or at least received all of it. Families also received incomplete information about where and how to claim compensation. While the donations shows huge generosity, any such donations should be made in a clear, transparent manner, and the victims should be able to easily collect any amounts owing to them. It would be prudent for the RGC to oversee a review of the situation, if necessary with the assistance of ACLEDA Bank who opened bank accounts for the victims to facilitate the distribution of the compensation, and who therefore have a record of how the money was distributed, in order to confirm whether the compensation was correctly distributed.

Action by the RGC

Officials at different levels of authority, ranging from the governor of Phnom Penh to Prime Minister Hun Sen, made comments in the days and weeks following the tragedy. The RGC seemed to immediately deny responsibility for the crush, but reactions were mixed and confused, including contradictory death tolls, the apparent acceptance of blame and the later rejection of all responsibility. The 2010 festival promised to be the biggest on record. Despite this, it seems that the preparations for the festival focused on possible drownings and thefts, rather than crowd management. Some spokesmen accepted a certain lack of preparation by the authorities in charge. For example, the RGC admitted it had overlooked issues of crowd control at the event: “We were concerned about the possibilities of boats capsising and pick-pocketing… we did not think about this kind of incident” said Information Minister Khieu Kanharith. However, no one was held accountable for the event, and the RGC maintained that it was an unforeseen accident.

There were also a number of comments made in the press about the emergency response to the crush; these show a somewhat conflicting account of the adequacy of the emergency response and the actions of the police officers on the night. Comments suggest that the emergency response was adequate in the circumstances - once the scale and seriousness of the incident was realized. However, the Asian Human Rights Commission summed up the situation by saying: “while the exact cause of the stampede last night remains unclear, with contradictory reports indicating it may have been instigated by either crowd antics or poor construction of the bridge to Koh Pich, the failure of the state to control the crowd and limit the damage from the stampede is clear.”

It is clear that at the very least, more thorough procedures need to be put in place and in-depth plans need to be implemented to avoid similar situations occurring in the future.

Concerning reports appeared in the media that after the conclusions of the Committees were announced, the authorities began confiscating the sale of VCD disks containing footage filmed during the crush. Thai Noraksathya, Secretary of State for the Ministry of Culture, said that a working group of ministry and police officials had confiscated a number of VCDs from vendors in various provinces.

10 Agence France-Presse (AFP), 24 November 2010, “Anger mounts as Cambodia crush toll rises”.
11 Asian Human Rights Commission, 24 November 2010, “Cambodia: AHRC expresses sympathy, calls for investigation of stampede”.
around the country. The videos reportedly contained an hour of footage from local and international broadcasts, including scenes of the rescue efforts, relatives searching for loved ones and a mourning ceremony attended by Prime Minister Hun Sen. The crackdown on the sale of such material seems to show that the RGC authorities were (or are) trying to limit the dissemination of information about the crush.

RGC Committees

The RGC set up a number of Committees to investigate the crush and coordinate the response to it. The makeup of the RGC Committees was heavily criticized, as they predominately comprised RGC officials or those involved in the incident (such as the hospitals and the developer of Koh Pich). For example, SRP spokesman Yim Sovann said he had little faith that the Committee would hold any officials accountable: “The people on the Committee are also the ones that planned the event…so I don’t think it can be independent.” Information Minister Khieu Kanharith said the Committees contained only RGC officials because they were formed at one a.m. on the night of the disaster: “We didn’t expect many non-government people working at that hour”.

The conclusions of the Committees were also reported just a week after the tragedy, and the results of the Committees’ findings were presented during a press conference held at the Council of Ministers on the afternoon of 29 November. The Main Committee confirmed the government’s position that the incident was triggered by mass panic related to the swaying of the bridge leading to the island: “There is no sign of terrorism or that criminals arranged this in advance. We can say that it was caused by a stampede”. CCHR has been unable to locate a written report setting out the Committees’ findings, other than the details of the press conference.

The RGC’s conclusions were that it was an accident, and ultimately, no one would be blamed, made to resign or be prosecuted. Shortly after the tragedy, the opposition party and civil society organizations called on Kep Chuktema, the Governor of Phnom Penh and Touch Naroth, the Phnom Penh City Police Commissioner, to resign. At the time of the Committees’ announcement of their findings into the causes of the crush, Prime Minister Hun Sen said that no state officials would be held personally responsible, and described calls for senior RGC figures to step down as politically motivated. However, he did state that: “The incident that happened was the responsibility of the government… The incident happened because of carelessness and we didn’t expect this thing to happen… the biggest mistake was that we had not fully understood the situation”. “It was a joint mistake which led to the incident ... It was unexpected and [we were] careless ... and did not prepare any protection measures in advance.” Prime Minister Hun Sen also confirmed that Kong Sam Ol, chairman of the Permanent Committee for Organizing National and International Festivals, tendered his resignation, but Hun Sen had refused to accept it.
Liability and Negligence

There have been recent reports about a proposed draft law on disaster management, which may be relevant for any future events that may occur. There are also recently enacted provisions set out in the Civil Code of the Kingdom of Cambodia, 2007 (the “Civil Code”), regarding negligence and the compensation that should be awarded for non-economic loss and wrongful death, as well as the Penal Code of the Kingdom of Cambodia, 2009 (the “Penal Code”), relating to possible criminal liabilities. Neither of these were in force at the time of the crush.

CCHR welcomes these new provisions, and hopes that these new laws will contribute to the development of a culture of accountability for events such as Koh Pich. However, CCHR is concerned that no one was held responsible for the Koh Pich tragedy under the provisions that were in force at the time, namely the United Nations Transitional Authority in Cambodia 1992 (“UNTAC”) Criminal Law (the “UNTAC Law”).

CCHR believes that the mechanisms set out in the law should be followed to ensure that the rule of law is adhered to and the victims of the tragedy are properly compensated. If provisions that were in force at the time of the event were not utilized to bring those responsible to account, it seems unlikely that the new laws will be applied in relation to future tragedies. It is recommended that a fully independent investigation into Koh Pich be launched, and, following the results of such an investigation, that appropriate legal proceedings are initiated using the clear legal framework that was in place at the time of the crush. Creating laws is not enough to create a fair legal system; instead, there must be a change in attitudes of those in power to be willing to accept meaningful responsibility for tragic events such as that which occurred at Koh Pich.

Conclusion

Given the uncertainty and confusion surrounding the facts, CCHR recommends that the investigation be re-opened and further questioning should be conducted to try to determine what happened that night. While CCHR is not saying that any particular person or agency is to blame and any particular person should resign, CCHR does think that a greater amount of responsibility should be taken for the incident. Perhaps more importantly, a serious discussion should take place about what systems and procedures should be put in place to try to reduce the likelihood of similar events happening in the future. If the RGC insists on claiming that this was an accident without fault, there is a real risk that similar events will happen at future national festivals.

From the results that CCHR has found, it does not seem that concrete recommendations were made by the Committee to be implemented in future events. CCHR has fundamental questions about how future national events will be organized. CCHR is also concerned that the authorities do not appear to appreciate the seriousness of the tragedy and will continue to manage events as they have done in the past. Before Khmer New Year in April 2011, the next national holiday after the Water Festival in November 2010, there were reports that the Police Chief of Chaktomuk commune in Phnom Penh, Chuon Chet, asked businesses to provide alcoholic refreshments to police working during the festival. Although Touch Naroth, the Phnom Penh City Police Commissioner, confirmed that police officers were not allowed to drink while on duty, the request shows a disregard for the importance of the role of the police in managing crowds at large-scale events, and in working to avoid disasters.

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22 The Cambodia Daily, 12 April 2011, “Police Ask Businesses for Khmer New Year Beer”.
It should be noted that the boat racing during the 2011 Water Festival was cancelled.\textsuperscript{23} This was reportedly due to the flooding within Cambodia. It is unclear whether a factor in this decision was the ability of the authorities to properly deal with such large crowds. Whatever the reasons behind the decision, CCHR believes that it was a responsible step for the RGC to take in such circumstances.

Before the 2011 Water Festival, members of the RGC made some positive, if unspecific, comments about the arrangements for crowd management.\textsuperscript{24} CCHR considers that these are positive steps to take to manage the large numbers of visitors to the city, and hopes that the authorities had detailed plans in place in relation to crowd management. It is recommended, however, that the RGC should approach its responsibilities with regards crowd management at big events in a more transparent way, and should publish specific details about security and crowd management arrangements in order to ensure that the public are fully aware of procedures in place and reassured as to the safety of an event.

It has been claimed that most major crowd disasters can be prevented by simple crowd management strategies.\textsuperscript{25} A lethal crush could occur at any gathering of significant size, particularly when crowd control precautions are lax or sub-optimal. Perhaps the most important lesson is that crushes are neither unforeseeable nor inevitable; they follow predictable patterns and conditions. It is also important that medical, emergency response, and law enforcement personnel are adequately trained and prepared for such incidents, so that if there are any problems at future large-scale national events, there are sufficient and adequate resources to be able to respond to them effectively. CCHR recommends that the RGC seeks professional assistance in order to adequately plan for future events.

Ultimately, over 350 people died on the night of 22 November 2010, which is a huge and shocking number in any circumstances. It seems that this has been largely forgotten by the authorities, and to a large extent, the public. These victims and their families deserve better. At the very least, they are owed an assurance that every step will be taken to ensure that such events, which are entirely avoidable, never happen again, and that lessons are learnt from this tragic incident.

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\textsuperscript{23} The Cambodia Daily, 15 October 2011, “Plans Continue for next Months’ Water Festival”.
\textsuperscript{24} The Cambodia Daily, 8 November 2011, “New Koh Pich Bridges to Prevent Future Tragedy”.