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International Human Rights Day: Cambodia must respect the right to freedom of peaceful assembly

The Cambodian authorities must respect, protect and fulfill the right to freedom of peaceful assembly, Amnesty International said today, with thousands of people participating in marches, public meetings and other assemblies in the run-up to and on International Human Rights Day (IHRD), 10 December.

IHRD is an opportunity for people around the world to come together and celebrate the progress that has been made in realizing human rights and reflecting on the challenges that remain. The peaceful assemblies planned by a diverse array of groups in Cambodia form part of this global event, and are a welcome demonstration of Cambodian society's increasing dynamism and confidence.

Since 1 December 2013, Buddhist monks have led youth networks, human rights defenders, communities affected by forced evictions, members of formal and informal civil society groups, and other citizens on 'peace marches' from five of Cambodia's provinces. They are holding discussions along the way on Buddhist teachings and human rights.

The marchers are due to arrive in the country's capital Phnom Penh on 10 December and converge outside the National Assembly. They plan to raise human rights concerns to lawmakers from the ruling Cambodian People's Party (CPP) and opposition Cambodia National Rescue Party (CNRP).

Also on 10 December, a coalition of non-governmental human rights organizations plans to hold an assembly and other celebrations in the capital.

And on the same day, the CNRP reportedly intends to hold mass marches and assemblies in Phnom Penh and at the country's iconic Angkor temple complex in northern Siem Reap province. The CNRP is calling for an investigation into alleged irregularities around the disputed national election of 28 July 2013 and even a new election.

Amnesty International is concerned that razor-wire roadblocks appear ready for use in parts of the capital, and calls on the Cambodian authorities to facilitate rather than restrict people from participating in peaceful assemblies around IHRD. The use of numerous roadblocks during the non-violent demonstrations held by the CNRP between 7 to 17 September 2013 unduly restricted freedom of movement in Phnom Penh in such a way that tensions mounted and violent clashes between people and security forces ensued.

A disturbing trend

On at least four separate occasions in recent months, security forces have used unnecessary or excessive force – including live ammunition – against those protesting and participating in other assemblies, and bystanders. Two people have been shot dead, and scores injured.

Most recently, on 12 November hundreds of garment workers planned to march to the Prime Minister's house to seek a resolution in an ongoing labour dispute. But riot police backed by fire

trucks with high-pressure water-hoses blocked the marchers near a Buddhist pagoda in the capital's Stung Meanchey commune. People responded by throwing rocks. The police retreated, but a few officers were left stranded. Security forces stormed the pagoda compound and went on a violent rampage.

Eyewitnesses saw security force personnel firing live ammunition at point-black range, corroborated by several gunshot injuries. Rice seller Eng Sokhom, 49, was shot through her chest and died. Twenty-six-year old university student Hoeurn Chann was shot in the side, the bullet damaging his spinal cord, and is now paralyzed from the waist down. Eight others received bullet wounds.

International obligations

The right to freedom of peaceful assembly – for people to come together to express their views – is protected in Cambodia's Constitution and in Article 21 of the International Covenant on Civil and Political Rights (ICCPR), to which Cambodia is a state party. As the Special Rapporteur on the situation of human rights in Cambodia has stated, "the role of the state in peaceful demonstrations is to facilitate, not hinder, them."

Further, Cambodia must respect the right to life and physical integrity, also protected in the Constitution and the ICCPR.

If an assembly turns violent, security forces should use only such force as is strictly necessary and to the extent required for the performance of their duty. They may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary for defence against an imminent threat of death or serious injury. The intentional lethal use of firearms can only be justified if it is strictly unavoidable in order to protect life.

Under international law, Cambodia has an obligation to provide an "effective remedy" for anyone whose rights have been violated. But as far as Amnesty International is aware, in none of the recent incidents has an investigation into the use of force been completed or any member of the security forces been held accountable.

Notes:

For background, see:

"Cambodia's government and donors must act now to prevent escalation of violence", Amnesty International joint public statement, 24 September 2013.

"Cambodia: Security forces disperse peaceful opposition vigil", Amnesty International press release, 22 September 2013.

"Cambodia: Investigate fatal shooting by security forces", Amnesty International public statement, 16 September 2013.

"Cambodia: Respect the Right to Freedom of Peaceful Assembly", Amnesty International joint public statement, 5 September 2013.

"The Right to Peaceful Assembly", Amnesty International letter to the Phnom Penh Post, 27 August 2013.

"Cambodia: Post-election tension must not lead to violence", Amnesty International press release, 9 August 2013.

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