

JOINT STATEMENT: Cambodian and International CSOs Condemn Removal of Banners Calling for the Release of Human Rights Defenders

Phnom Penh, 9 May 2017

We, the undersigned Cambodian and international civil society organizations, condemn the removal by district and commune police authorities of banners calling for the release of six human rights defenders. Banners were removed from the offices of the Cambodian Human Rights and Development Association (ADHOC), the Cambodian League for the Promotion and Defense of Human Rights (LICADHO) and Mother Nature in Koh Kong's Smach Meanchey commune on 2 May 2017,¹ as well as from three residences in Koh Kong province's Srae Ambel district on 3 May 2017.²

The display of banners by the individuals and organizations concerned is a legitimate exercise of their right to freedom of expression. This right, which also protects political speech and speech critical of government, may only be restricted in certain limited circumstances – none of which apply in this case.³ The forced removal of banners amounts to an unjustified and thus unlawful restriction of this internationally and constitutionally protected human right.

"It is clear that tolerance for dissent and peaceful protest in Cambodia is now virtually non-existent," said Alex Gonzalez-Davidson, Executive Director of Mother Nature. "Absurd claims that the banners 'threaten peace and security' cannot disguise what is nothing more than a heavy-handed attempt by the increasingly paranoid authorities to intimidate civil society groups."

These actions in both cases occurred on private property and seriously undermine the rule of law in Cambodia. Article 40 of the Constitution of the Kingdom of Cambodia stipulates that "the protection of the rights to the inviolability of residence [...] shall be guaranteed. Search of residences, properties [...] shall be done in accordance with the legal stipulations." The police lacked any search warrant and the authorities have acknowledged their lack of any legal basis.⁴

This outrageous attack on free speech illustrates the increased shrinking of democratic space for civil society in Cambodia, at a time of approaching commune and national elections, impacting in particular the rights to freedom of expression, peaceful assembly and freedom of association, which are guaranteed by the Constitution of the Kingdom of Cambodia, and domestic and international law.

"With the commune elections less than a month away, the authorities have once again shown that they will not accept any activities or opinions that do not suit their political interests," said Naly Pilorge, LICADHO's Deputy Director of Advocacy. "The six human rights defenders have already lost their liberty. Now even those calling for their release face repression."

¹ Kim Sarom and Kong Meta 'Police remove 'Adhoc 5' banners, claiming message was anti-government' *The Phnom Penh Post* (3 May 2017), <http://www.phnompenhpost.com/national/police-remove-adhoc-5-banners-claiming-message-was-anti-government>

² Kong Meta, "More 'Adhoc 5' banners taken down by officials" *The Phnom Penh Post* (05 May 2017), <http://www.phnompenhpost.com/national/more-adhoc-5-banners-taken-down-officials>

³ International Covenant on Civil and Political Rights, Article 19(3).

⁴ Ben Sokhean, 'Police Admit No Legal Basis for Removal of Adhoc 5 Banners' *The Cambodia Daily* (04 May 2017), <https://www.cambodiadaily.com/news/police-admit-no-legal-basis-for-removal-of-adhoc-5-banners-129048/>

These incidents occurred only a few days after the one-year mark of the detention of five of the human rights defenders – Lim Mony, Yi Soksan, Ny Sokha, Nay Vanda and National Election Committee deputy secretary-general Ny Chakrya – on 28 April 2017; detention that has been found to be ‘arbitrary’ by the UN Working Group on Arbitrary Detention.⁵ On 27 April 2017, the Phnom Penh Municipal Court decided to extend the five’s pre-trial detention for up to another six months. The extension of their detention was criticized once again by local, regional and international civil society organizations as well as the Delegation of the European Union to Cambodia⁶ and the United States Department of State,⁷ and the Office of the United Nations High Commissioner for Human Rights in Geneva.⁸ The day prior to the Investigating Judge’s decision to extend their detention for a further six-month period, it was announced that the five were also collectively selected as one of three finalists for the Martin Ennals Award for Human Rights Defenders.⁹

55 Cambodian and international civil society organizations¹⁰ have peacefully joined together to campaign for the release of the five human rights defenders and land rights activist and human rights defender Tep Vanny, including through banners that count the number of days the six human rights defenders have spent in detention. The campaign has been widely supported by the international community and the public, with individuals in Cambodia and internationally sending photos and supportive messages to show solidarity with the detainees.

We, the undersigned Cambodian and international civil society organizations, call on the Ministry of Interior and other relevant local, provincial and national authorities to justify the removal of the six banners and, if there are no valid legal grounds for their removal, to immediately return them to the individuals and organizations concerned. We also call on the Cambodian government to immediately cease all intimidation, threats and use of the criminal justice system against those who are peacefully exercising their rights to freedom of expression, peaceful assembly and association. Most urgently, we reiterate our call for the Cambodian authorities to release the five human rights defenders and Tep Vanny immediately and unconditionally, withdraw all charges and halt any other criminal proceedings against them.

⁵ Joint Press Release, “CAMBODIA: In landmark decision, UN body declares the detention of five human rights defenders arbitrary #FreeThe5KH” (18 December 2016), <http://www.licadho-cambodia.org/pressrelease.php?perm=415>

⁶ Delegation of the EU to Cambodia, “Local EU Statement on the continued detention of five human rights defenders” (4 May 2017), https://eeas.europa.eu/delegations/cambodia/25491/local-eu-statement-continued-detention-five-human-rights-defenders_en

⁷ U.S. Department of State, Press Statement, “Extension of Pre-Trial Detention for Members of ADHOC in Cambodia” (5 May 2017), <https://www.state.gov/r/pa/prs/ps/2017/05/270676.htm>

⁸ OHCHR, “Press briefing note on Arkansas executions and Cambodia” (28 April 2017)

⁹ Martin Ennals Award for Human Rights Defenders <http://www.martinennalsaward.org/>

¹⁰ For details see <https://freethe5kh.net/implementing-partners/>

This joint statement is endorsed by:

ActionAid Cambodia

Alliance for Conflict Transformation (ACT)

Asian Forum for Human Rights and Development (FORUM-ASIA)

Boeung Kak Community

Boeung Trabek Community

Cambodia Indigenous Youth Association (CIYA)

Cambodian Center for Human Rights (CCHR)

Cambodian Human Right and Development Association (ADHOC)

Cambodian Independent Teachers' Association (CITA)

Cambodian League for the Promotion and Defense of Human Rights (LICADHO)

Cambodian Volunteers for Society (CVS)

Cambodian Youth Network (CYN)

Coalition of Cambodian farmer Community (CCFC)

Committee For Free And Fair Elections In Cambodia (COMFREL)

Community Legal Education Center (CLEC)

Equitable Cambodia (EC)

Housing Rights Task Force (HRTF)

Independent Democracy Of Informal Economy Association (IDEA)

Indigenous Youth at Prome Community, Preah Vihear Province

Indradevi Association (IDA)

International Federation for Human Rights (FIDH), in the framework of the Observatory for the Protection of Human Rights Defenders

Land Community, I Village Preah Sihanouk province

Land Community, Prek Chik Village, Koh Kong

Land Conflict Community, Skun Village, Siem Reap province

Lor Peang Community, Kampong Chhnang Province

Mother Nature

Ponlok Khmer (PKH)

Progressive Voice

Railway Station, Tuol Sangkae A Community

SOS International Airport Community

Southeast Asian Press Alliance (SEAPA)

World Organisation Against Torture (OMCT), in the framework of the Observatory for the Protection of Human Rights Defenders