

H.E. Hun Sen

Prime Minister

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7 January 2014

Open Letter by 47 Asian NGOs to Prime Minister Hun Sen: Stop Violent Crackdown of Protests, Release All Detained Protestors

Your Excellency,

The Asian Forum for Human Rights and Development (FORUM-ASIA), together with its 47 member organisations from 16 countries across Asia, writes to you to register our strongest protest against the Cambodian government's recent series of violent suppression of public assemblies, including one which resulted in the fatal shooting of at least four individuals and scores severely wounded on 3 January 2014, as well as the ongoing judicial harassment against opposition leaders and human rights defenders, and the continued detention of at least 23 individuals whose whereabouts remain unknown.

We strongly condemn the excessive use of force by the authorities that resulted in the deaths of at least four individuals during the 3 January protest by garment workers demanding better wages. Under international human rights law, firearms shall not be used except under strict circumstances such as in defending others against "the imminent threat of death or serious injury", and "only when less extreme means are insufficient". Even in the event of such exceptional circumstances, restraint must be exercised and the principle of proportionality must be observed. We strongly call on your government to ensure that all law enforcement personnel act in accordance with international human rights norms and standards when regulating public assemblies, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The government must ensure immediate independent and transparent investigations and take swift action to hold those responsible accountable.

We also call for immediate information about the fate and whereabouts of the 23 individuals who were arrested on 2 and 3 January. We are deeply concerned that the authorities have continued to refuse to disclose the location of their detention. Some of these detainees have sustained injuries during their arrest and are in urgent need of medical attention. Despite this, their families, medical professionals and lawyers have been denied any information about their whereabouts and health conditions.

We further deplore the violent dispersal of another anti-government demonstration by about 1,000 people in central Phnom Penh on 4 January 2014, and regret the temporary arrest of five women human rights defenders from the Boeung Kak Lake community on 6 January 2014. The five were arrested as they prepared to protest for the release of other imprisoned human rights defenders, and were released on conditions on the same day after being made to sign documents that compel them to notify the authorities of their future involvement in any protests. We object to the imposition of conditions on the release of the five, and call on the rescinding of such restrictive conditions.

It has also come to our attention that two leaders of the opposition Cambodia National Rescue Party (CNRP), Sam Rainsy and Kem Sokha, and one union leader, Rong Chhun, from Cambodia Independent Teachers Association (CITA) and Cambodian Confederation of Unions (CCFU) have been summoned to the Phnom Penh Municipal Court for questioning on 14 January 2014 at 10AM in relation to their purported involvement in inciting the recent protests. We urge your government to stop the ongoing judicial

harassment against opposition leaders and human rights defenders.

We further urge your government to revoke the blanket ban on all public assemblies in Phnom Penh as it violates the fundamental right to freedom of peaceful assembly, which is guaranteed under the Cambodian Constitution and the International Covenant on Civil and Political Rights (ICCPR), to which Cambodia is party. It is our view that the continued suppression of peaceful dissent, including through the ban and violent crackdown on public assemblies, will only serve to further fuel discontentment, which will most certainly exacerbate political tensions and social unrest in the country.

We thus strongly urge the government of Cambodia to:

- 1) Immediately reveal the whereabouts of the 23 detained to ensure that they have access to their families, lawyers and medical professionals. Anyone who is detained solely for peacefully protesting must be released immediately and unconditionally.**
- 2) Stop the ongoing judicial harassment against opposition leaders and human rights defenders, withdraw charges against all individuals in relation to recent protests, and rescind conditions imposed upon the five women human rights defenders from the Boeung Kak Lake community.**
- 3) Immediately retract the blanket ban imposed on all public assemblies and protests in Phnom Penh.**
- 4) Ensure independent and transparent investigations on the indiscriminate use of live ammunition against protestors on 3 January 2014 and that swift action is taken to hold those responsible for the deaths and injuries accountable. Earlier incidences of fatalities caused by the use of firearms by the authorities in the context of protests and public assemblies, including the incidents on 15 September 2013 and 12 November 2013 must also be investigated swiftly with the view of holding the perpetrators fully accountable.**
- 5) Ensure that all law enforcement personnel comply with international human rights norms and standards in regulating public assemblies, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.**

Yours truly,

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On Behalf of the following member organizations of FORUM-ASIA:

Bangladesh

1. Ain O Salish Kendra (ASK)
2. Madaripur Legal Aid Association (MLAA)
3. Odhikar
4. Resource Integration Center (RIC)

Burma/Myanmar

5. Human Rights Education Institute of Burma (HREIB)

Cambodia

6. Cambodian Human Rights and Development Association (ADHOC)
7. Cambodian League for the Promotion and Defense of Human Rights (LICADHO)

India

8. Banglar Manabdhikar Suraksha Mancha (MASUM)
9. Center for Social Action Documentation Research & Training (ADHIKAR)
10. Dalit Foundation
11. Friends' Association for Rural Reconstruction (FARR)
12. People's Watch
13. People's Vigilance Committee on Human Rights (PVCHR)
14. Rural Development Society (RDS-LRSA)
15. South India Cell for Human Rights Education and Monitoring (SICHREM)

Indonesia

16. Alliance of Independent Journalists Indonesia (AJI)
17. Federation of Commission for the Disappeared and Victims of Violence (KontraS)
18. Indonesia Legal Aid Foundation (YLBHI)
19. Indonesian Legal Aid and Human Rights Association (PBHI)
20. Indonesia's NGO Coalition for International Human Rights Advocacy – Human Rights Working Group (HRWG)
21. Inisiatif Masyarakat Partisipatif untuk Transisi Berkeadilan (IMPARSIAL)
22. Yayasan Sekretariat Anak Merdeka Indonesia (SAMIN)

Malaysia

23. Education and Research Association for Consumers (ERA Consumer)
24. Suara Rakyat Malaysia (SUARAM)

Mongolia

25. Center for Human Rights and Development (CHRD)
26. Globe International

Nepal

27. Community Self Reliance Centre (CSRC)
28. Informal Sector Service Center (INSEC)
29. Women's Welfare Society (WWS)

Pakistan

30. Bytes for All (ICTs for development, democracy and social justice)
31. Human Rights Commission of Pakistan (HRCP)
32. National Commission for Justice and Peace (NCJP)
33. Potahar Organization for Development Advocacy (PODA)
34. Society for the Protection of the Rights of the Child (SPARC)

Philippines

35. Philippine Alliance of Human Rights Advocates (PAHRA)
36. PILIPINA Legal Resources Center (PLRC)
37. Task Force Detainees of the Philippines (TFDP)
38. Tanggol-Kalikasan – Public Interest Environmental Law Office

Singapore

39. Think Centre

South Korea

- 40. Korean House for International Solidarity (KHIS)
- 41. People's Solidarity for Participatory Democracy (PSPD)

Sri Lanka

- 42. Information Monitor (INFORM)
- 43. Law and Society Trust (LST)

Taiwan

- 44. Taiwan Association for Human Rights (TAHR)

Thailand

- 45. People's Empowerment

Timor Leste

- 46. Perkumpulan Hukum, Hak Asasi dan Keadilan (Law, Basic Rights, and Justice Foundation) (HAK Association)
- 47. Judicial System Monitoring Programme (JSMP)

CC:

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