

ON THE OCCASION OF WORLD HUMANITARIAN DAY, UN HUMAN RIGHTS OFFICE LOOKS BACK ON AN EVENTFUL YEAR IN CAMBODIA

19 August was declared World Humanitarian Day to commemorate the tragic events of that day in 2003, when the United Nations lost its then High Commissioner for Human Rights, Sergio Viera de Mello, along with 21 other staff in a bombing in Iraq. It was one of the worst attacks ever suffered by the Organization, and unfortunately not an isolated incident. Each year, the Day gives us a chance to reflect on the work of and the challenges facing human rights and humanitarian workers everywhere. Here in Cambodia, the country Office of the High Commissioner for Human Rights takes the occasion to look back on an eventful – even historic – year of defending human rights.

Monitoring freedom of expression and peaceful assembly

On 28 July 2013, the nation held its fifth general election for seats on the National Assembly. While the United Nations did not monitor the conduct of the election itself, OHCHR staff joined monitors who spread out across the country. Their task was to observe the level of respect for human rights surrounding the electoral environment. The Office was pleased to confirm that the election was conducted in a peaceful manner, with a few exceptions of violence and disruptions.

The peaceful nature of the election, however, was not entirely without problems. Members and supporters of the opposition party, as well as numerous election monitors, raised alarms at what they believed to be signs of wide scale fraud and called for an independent investigation. The peaceful organization of the election was welcomed by some foreign Governments. Numerous reports were issued by national and international entities outlying their concerns about the election. Many of them pointed to perceived irregularities in the conduct of the vote, the distribution and management of polling stations, the prior compilation of the voter registry and the unscrutinized issuance of large numbers of temporary identity papers. Growing tension in the capital city of Phnom Penh surrounded each step of the treatment of these complaints as protests in the streets began to take place regularly from then until the end of the year.

Attention to Cambodia came from the highest levels. The Secretary-General of the United Nations stated that “amid reports of irregularities, the United Nations encourages the competent authorities to adjudicate complaints fairly and transparently, with the ultimate aim of ensuring the accurate determination of, and respect for, the will of the Cambodian people.” (<http://www.un.org/News/Press/docs/2013/sgsm15198.doc.htm>)

In the background of on-and-off negotiations between the two parties, monthly, then weekly demonstrations were held by the opposition. Nearly all were peaceful, even festive. The organizers were well prepared with their own security personnel stationed at key points in each route. The Government respected the rights of people to demonstrate, allowing them to proceed generally unimpeded, although roadblocks and security forces in anti-riot gear became regular features. OHCHR monitored all major demonstrations. The UN Special Rapporteur on the human rights situation in Cambodia remarked that “Demonstrations such as those of recent days and weeks are a new sight in Cambodia. I am pleased to see that the democratic space has increased to such extent that so many Cambodians feel comfortable to express themselves in the streets without fear of

retaliation.” (<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14146&LangID=E>)

Helping the authorities to keep the peace and assisting the family of a shooting victim on 15 September 2013

There were, however, several tragic exceptions. On 15 September 2013 during the afternoon rush hour, military police blocked off Kbal Thnal Bridge, causing commuters to crowd around both sides, unable to return home. Around 21:00, OHCHR monitors arrived on site after receiving reports about the tense situation and shootings into the crowd. A bystander had been shot dead. Hundreds of security forces were deployed around the area, as the crowds became increasingly agitated. Asked to help defuse the rising tension, OHCHR staff on site sought the interventions of several senior officials at the Ministry of Interior (which has responsibility for the security forces), requested police assistance from two nearby police stations, and called a prosecutor to come as soon as possible to examine the body, with varying responses. A dense crowd surrounded the body, some suggesting that it should be taken to Freedom Park. OHCHR and other monitors present urged the growing crowd to calm down and to stop throwing stones.

OHCHR placed the body inside the UN car together with the relatives and away from the crowd, so that the family could take their decision protected from the pressure of the crowd. The mother of the deceased decided that the body should be brought to a State hospital for a proper autopsy. OHCHR took the family to a hospital and called a prosecutor to convene a forensic team to conduct the autopsy, which OHCHR witnessed. At around 4:00 am, the forensic team located the bullet in the brain. The police officers confirmed the man had died from the firing of a gun, later confirmed to be a shotgun K54. During the autopsy, the prosecutor made arrangements for the wife of the deceased to lodge a formal complaint with the district police.

Calls for calm, justice, and respect for the law

Regrettably, more victims emerged over the course of the year. At another tragic incident on 12 November 2013, clashes occurred when striking garment workers were prevented from walking to and staging a demonstration before the Prime Minister’s residence. A bystander died from a gunshot and many others were seriously injured. The police were seen beating individuals with truncheons, and shooting live ammunition and rubber bullets from close range. OHCHR Headquarters in Geneva voiced serious concern and called for a thorough investigation into these clashes and full accountability for members of security forces found to have used disproportionate and excessive force. Calling on the authorities to ensure that freedom of expression and peaceful assembly was fully respected, OHCHR also urged protestors to ensure that the demonstrations remained peaceful (<http://www.un.org/apps/news/story.asp?NewsID=46497&Cr=&Cr1=#.Uoc2Ht -Jy0>).

While demonstrations continued throughout the following month, a turning point came at the end of December 2013, when striking garment workers came out in large numbers in protest of the lower than desired increase in the national minimum wage that was approved. As demonstrations became daily occurrences toward the end of the year and more messages warning protesters to desist were issued by the authorities, the risk of violence remained high. OHCHR was again out monitoring and the United Nations calling for peace. “I once again appeal to all sides to exercise the utmost restraint and calm,” said the Special Rapporteur (see <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14146&LangID=E>).

Following a brief lull for the Western New Year, protests resumed on 2 January 2014. They took place simultaneously in the center of the capital city and in some industrial zones. Some strikers were seen throwing stones and trying to break into factory gates to call workers at work to join their strikes. A military squadron appeared before one factory and opened fire, killing 4 persons and injuring scores more, while a fifth victim succumbed to his wounds subsequently. The Special Rapporteur called on the demonstrators, who include striking garment workers, as well as factory managers, not to resort to violence.

In accordance with international obligations of Cambodia to ensure proper investigation of all incidents of violence and to bring all perpetrators to justice, calls were made for impartial investigations against all who committed violence that day and at every incident before. "I call on the authorities to exercise restraint towards protestors. Any use of force by officials must be subject to the principles of legality, necessity and proportionality," Mr. Subedi said. The human rights review procedures, including the Universal Periodic Review undertaken by the United Nations Human Rights Council, and numerous national and international organizations throughout the past year called for any restrictions on the right to freedom of expression and peaceful assembly, including through demonstrations, to be shown to meet the tests of "legality, necessity and proportionality", in accordance with international law. They also called for strict adherence to the Cambodian Law on Peaceful Demonstrations, which established an advance notification procedure for demonstrations that is not subject to prior authorization by the Government (except under certain exceptional circumstances). OHCHR has consistently advocated for respect for the law, including human rights law.

At the same time, the Special Rapporteur emphasized that "There must be a swift and independent investigation into whether excessive force had been used on this occasion and the previous two occasions... I also call upon all protesters, regardless of the reason for their protest, to exercise maximum restraint," said the Special Rapporteur (<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14150&LangID=E>). However, investigations were initiated only against protesters; despite reports of an investigation about the actions of the security forces in the media, the results of such proceedings have not been publicly released to date.

Paying tribute to human rights monitors and defending the defenders

The impressive mobilization of hundreds of civilian human rights monitors from civil society organizations who sacrificed countless hours of footwork during months of demonstrations deserves special appreciation. They keep the political parties in touch with the views and aspirations of ordinary people, in regard to specific issues as well as overall policy direction.

The environment for human rights defenders in Cambodia, however, continues to be one in which they must work at considerable personal risk. Several were beaten over the past year, arrested, and even convicted for peaceful actions undertaken in the line of duty. It is not uncommon for human rights defenders to be accused of inciting people to commit crimes, usually with no evidence beyond their mere presence at protest sites. Too many human rights defenders have lost their lives in their pursuit of justice and human rights over the years. People who denounce or attack them often do so without realizing that they are harming an important layer of protection to which they may one day need to turn to for help.

Such was the case on 15 July 2014, when several district security guards who are regularly deployed to prevent protesters from holding demonstrations, sometimes with violence, themselves became the object of verbal and physical abuse at Freedom Park. After dozens of security guards began beating protesters trying to “Free the Freedom Park” with batons and then retreated, several individual guards were isolated and beaten by the crowds, some severely. OHCHR and NGO monitors moved quickly around them, forming human chains to shield them from the angry people. With only one ambulance dispatched, which could not pass through the crowds to reach the site, OHCHR and NGOs took it upon themselves to transport injured guards to a hospital for treatment, 7 in all. They were spared from worse injuries, and some might have been spared their lives that day. In their actions, these human rights defenders demonstrated the highest level of impartiality and professionalism.

Human rights defenders nevertheless still find themselves targeted in Cambodia, subjected not only to physical intimidation but also legal action. OHCHR monitored cases against them, advocating for their right to a fair trial and observing every stage of their trials. The position of OHCHR has been consistent: those guilty of crimes must be brought to justice; any convictions must be based on evidence that proves direct culpability, and the trials must meet the human rights standards of fairness. The cases of the 25 persons arrested in connection with the events of November 2013 and January 2014, as well as countless others, were closely monitored in this light.

When the new country Representative, Ms. Wan-Hea Lee, arrived in the country to assume her position in June 2013, she was cautioned by a senior Government official that human rights are often seen to be politically sensitive. This would particularly be so in the aftermath of the election. The work of the OHCHR in Cambodia in the past year clearly demonstrates the key cornerstones of its work - impartiality, independence and integrity. To work for the human rights of all, the Office can have no allegiances or support for any particular party, group, or ideology, for that is where its credibility rests. With the political agreement reached by the two parties on 22 July 2014, Cambodia has ushered in a new era. The new environment gives rise to hopes that the promised reforms will now be able to move forward without political controversy. The people of Cambodia, as well as the international community at large, have long awaited a National Assembly composed of both parties to embark on an ambitious reform programme of key institutions of fundamental importance for the promotion and protection of human rights, not least the National Assembly itself and the judiciary. In what will surely be another eventful – but hopefully peaceful – year ahead, OHCHR will continue to continue to support the Government and people of Cambodia in this important endeavor.

(Read more about the work of OHCHR in Cambodia in its annual reports to the Human Rights Council at <http://cambodia.ohchr.org/EN/PagesFiles/Reports/SG-RA-Reports.htm>)

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