

## **Joint Statement Regarding the Oddar Meanchey Authorities' Continued Illegal Conduct Towards Equitable Cambodia's Staff**

We, the undersigned civil society groups, condemn the actions of the Oddar Meanchey authorities who have, since September 2014, been engaged in the obstruction, harassment, intimidation, and assault of rights workers (*see* Annex 1: Timeline of Events). Most recently, a four-person team from Equitable Cambodia (“EC”) was in the province to conduct field research on the impacts of forced evictions resulting from economic land concessions granted for the development of sugarcane plantations. The plantations are owned by the Mitr Phol Group,<sup>1</sup> one of Coca-Cola’s top three global suppliers.<sup>2</sup> Research data collected will be provided to the National Human Rights Commission of Thailand (“NHRCT”), which is investigating Mitr Phol’s operations in Cambodia.

In September, provincial authorities prevented two EC staff from conducting interviews in Bos village. The researchers were taken to the provincial police station where Meg Fukuzawa, a foreign consultant, was held overnight in policy custody before being transported back to Phnom Penh by armed escort. Authorities claimed that the team was removed from the field for their own safety and because Ms. Fukuzawa did not have her original passport on hand.

On 8 October 2014, the police again impeded an EC research team, this time at Bak Nim village. Long Sokun, the Deputy Police Chief of Oddar Meanchey, arrived and ordered EC staff to leave immediately. He erroneously stated that because EC did not give advance notice to the local authorities, the team would have to seek permission from the Provincial Governor to continue the interviews.<sup>3</sup>

EC staff then continued to conduct interviews from the provincial office of a partner organization in Samrong. Police officers further obstructed EC’s data collection by warning villagers not to travel to town, misinforming them that EC staff had been arrested, and interrogating those who did go to town at roadside stops. On 11 October 2014, provincial police arbitrarily detained and assaulted an EC staff member who had been escorting a group of villagers home with EC’s official vehicle. Police formed a roadblock under the pretence of a traffic checkpoint. EC staff began to make a video recording of police conduct and in response, the Provincial Traffic Police Chief, Nhol Vuth, attempted to seize the camera. After the EC employee refused to forfeit the camera, the Police Chief punched him in the stomach.<sup>4</sup>

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<sup>1</sup> David Pred & Michelle Nuijen, *Bittersweet Harvest: A Human Rights Impact Assessment of the European Union’s Everything But Arms Initiative in Cambodia* (Phnom Penh: Equitable Cambodia and Inclusive Development International, 2013) at pp. 29-30, 35.

<sup>2</sup> The Coca-Cola Company Commitment: Land Rights and Sugar, 7 November 2013, online: <<http://assets.coca-colacompany.com/6b/65/7f0d386040fcb4872fa136f05c5c/proposal-to-oxfam-on-land-tenure-and-sugar.pdf>>.

<sup>3</sup> According to Provincial Police Chief Men Maly, “It is not the law to have a permission letter to interview villagers, but they must let our authorities know because the area is under the control of my local authorities.” *See*: Aun Pheap and Peter Zsombor, “Oddar Meanchey Police Break Up Meeting Between NGO, Evictees”, *The Cambodia Daily* (10 October 2014), online: <<http://www.cambodiadaily.com/news/oddar-meanchey-police-break-up-meeting-between-ngo-evictees-69542/>>.

<sup>4</sup> When questioned by media, Mr. Nhol Vuth indicated that he was merely enforcing traffic laws and that EC staff had no right to take photos of police. *See*: Mech Dara and Peter Zsombor, “Rights Group Claims Continued Harassment in Oddar Meanchey”, *The Cambodia Daily* (13 October 2014), online: <<http://www.cambodiadaily.com/news/rights-group-claims-continued-harassment-in-oddar-meanchey-69650/>>.

EC's partner organizations have been in contact with the Ministry of Interior (the "MOI") about the ongoing incidents in Oddar Meanchey. According to the MOI, EC does not have authorization to carry out research in the province, as the NGO's registration with the Ministry does not explicitly include activities involving economic land concessions. The so-called "requirement" that NGOs without a provincial office must seek prior permission from local authorities in order to meet with villagers is not supported by Cambodian law.

The aforementioned misconduct appears to have been motivated by a will to obstruct information gathering amid an investigation by the NHRCT. EC has been working with communities affected by sugar plantations in Oddar Meanchey since 2012. Prior to the NHRCT's fact-finding trip to the province on 11 August 2014,<sup>5</sup> EC had undertaken similar research without police interference or administrative barriers.

We condemn the provincial authorities' flagrant violation of rights workers and affected communities' rights to be free from physical ill treatment (especially while under police detention) and arbitrary detention, as enshrined in the Constitution of Cambodia.<sup>6</sup> The provincial authorities further breached their constitutionally protected rights to freedom of movement, privacy of residence,<sup>7</sup> and freedom of assembly<sup>8</sup> when it prevented or sought to prevent the above noted persons from traveling between Samrong, Bos village, and Bak Nim village, and holding a peaceful meeting at a private residence in Bak Nim village.

We call upon the competent authorities, including the Ministry of the Interior and the provincial court, to investigate and hold accountable those responsible for illegal misconduct towards community members and EC staff, which includes: warrantless searches and seizures, disruption of peaceful assemblies, arbitrary detentions, harassment that causes persons to fear for their safety, and unprovoked assault towards civilians. A failure to do so will result in the perpetuation of entrenched problems within the Cambodian justice system, including impunity for authorities and a lack of transparency and access to effective remedies for victims.

This statement is issued by: Equitable Cambodia, Cambodian Human Rights and Development Association (ADHOC), Cambodian League for the Promotion and Defense of Human Rights (LICADHO), Sahnmakum Teang Tnaut (STT), Cambodian Center for Human Rights (CCHR), LICADHO Canada, People's Action for Change (PAC), Inclusive Development International (IDI), Cambodian Human Rights Action Committee (CHRAC), Community Peace-Building Network (CPN), Coalition of Cambodian Farmer Community (CCFC), Diakonia, Indigenous Community Support Organization (ICSO), Building Community Voices (BCV), Cambodian Food and Service Workers' Federation (CFSWF), Cooperation Committee for Cambodia (CCC),

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<sup>5</sup> Peter Zsombor, "Thai Human Rights Body Says Plantations Stole Land", *The Cambodia Daily* (14 August 2014), online: < <http://www.cambodiadaily.com/news/thai-human-rights-body-says-plantations-stole-land-66456/>>.

<sup>6</sup> *Constitution of the Kingdom of Cambodia*, 1993, Article 38(3): "The law guarantees there shall be no physical abuse against any individual. The law shall protect life, honor, and dignity of the citizens. The prosecution, arrest, or detention of any person shall not be done except in accordance with the law. Coercion, physical ill-treatment or any other mistreatment that imposes additional punishment on a detainee or prisoner shall be prohibited. Persons who commit, participate or conspire in such acts shall be punished according to the law."

<sup>7</sup> *Ibid.* at Article 40: "Citizens' freedom to travel, far and near, and legal settlement shall be respected [...] The rights to privacy of residence [...] shall be guaranteed."

<sup>8</sup> *Ibid.* at Article 41: "Khmer citizens shall have freedom of expression, press, publication and assembly."

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