

This letter was translated from Khmer Official Letter.

His Excellency Sar Kheng,
Deputy Prime Minister
Minister, Ministry of Interior

18 August 2014

CCHR Open Letter Regarding the Implementation of the Law on Peaceful Demonstration

Your Excellency,

I write to you regarding the implementation of the Law on Peaceful Demonstration (2009). According to the *Phnom Penh Post's* article "Police put brakes on ride," on Saturday 16 August 2014 in Meanchey district, a group of around 30 environmental activists who had organized a ride to raise awareness about a planned hydropower dam in Koh Kong province's Areng Valley were blocked by security forces. The Meanchey district deputy governor was later quoted saying that "*if they want to protect the environment, we ask that they apply for permission from Phnom Penh Municipal Hall and I believe City Hall will allow them, but they have not asked for permission.*" CCHR has also experienced difficulties in the past with local authorities who told CCHR that permission was needed for organizations seeking to hold public forums and other similar events.

Article 5 of the Law on Peaceful Demonstration states that "*Any group of individuals who wishes to organize a peaceful assembly at any public venue shall notify the competent municipal or provincial territorial authorities in charge of that place in writing*" and Article 10 states that "*If the competent municipal or provincial territorial authorities fail to respond by the due date for holding the peaceful assembly, that implies the competent municipal or provincial territorial authorities have approved.*" Furthermore, the Implementation Guide to the Law on Peaceful Demonstration states in point 2.4.1 that "*If no response to a notification letter is received from the competent authorities, the demonstration may proceed without being dispersed.*" As such, the law does not require protesters to get permission from local authorities. The law only requires protesters to notify the relevant authorities.

For the past months, the right to peaceful assembly has been seriously restricted in the Kingdom of Cambodia. The reopening of Freedom Park and the lift on the ban on assemblies are opportunities to restore Cambodians' right to freedom of assembly as stated in Article 41 of the Constitution of the Kingdom of Cambodia.

In light of the above, I therefore urge you to remind all relevant ministries and local authorities that no "permission" is required under Cambodian law to hold peaceful assemblies. I also urge you to ensure that the Royal Government of Cambodia restores

Cambodians' fundamental rights to peaceful assembly, in particular, by ensuring that no excessive force is used by security forces against peaceful protesters.

Yours sincerely,

Chak Sopheap

(Executive Director)

CC:

- Wan-Hea Lee, OHCHR Representative in Cambodia