

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,¹ one of Coca-Cola’s top three global suppliers.² 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.³

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.⁴

¹ 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.

² 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>>.

³ 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-etictees-69542/>>.

⁴ 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 2014,⁵ 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.⁶ The provincial authorities further breached their constitutionally protected rights to freedom of movement, privacy of residence,⁷ and freedom of assembly⁸ 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), Sahmakum 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),

⁵ 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/>>.

⁶ *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."

⁷ *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."

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

Housing Rights Task Force (HRTF), Norwegian People's Aid (NPA), The NGO Forum on Cambodia (NGOF), Banteay Srei, Cambodia Indigenous Youth Association (CIYA), Highlander Association (HA), Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), Heinrich Böll Stiftung.

For more information, please contact:

Mr. Eang Vuthy, Executive Director
Equitable Cambodia (EC)
Phone: (+855) 12 791 700
Email: vuthy@equitablecambodia.org

Nay Chakrya, Head of the Human Rights and Legal Aid Section,
Cambodian Human Rights and Development Association (ADHOC)
Phone: (+855) 11 274 959
Email: adhoc@forum.org.kh

Ms. Naly Pilorge, Director
Cambodian League for the Promotion and Defense of Human Rights (LICADHO)
Phone: (+855) 12 803 650
Email: director@licadho-cambodia.org

Mr. EE Sarom, Acting Executive Director
Sahmakum Teang Tnaut (STT)
Phone: (+855) 89 666 036
Email: sarom@teangtnaut.com

Ms. Chak Sopheap, Executive Director
Cambodian Center for Human Rights (CCHR)
Phone: (+855) 11 943 213
Email: chaksopheap@cchrcambodia.org

Ms. Lee Robinson, Director
LICADHO Canada
Phone: (+855) 17 799 715
Email: lee@licadhocanada.com

Ms. Collette O'Regan, Coordinator
People's Action for Change (PAC)
Phone: (+855) 17 559 150
Email: colletteoregan@gmail.com

Mr. David Pred, Managing Director
Inclusive Development International (IDI)
Phone: +1 (917) 280-2705
Email: david@inclusivedevelopment.net

Mr. Suon Bunsak, Chief of Secretariat
Cambodian Human Rights Action Committee (CHRAC)
Phone: (+855) 92 344 357
Email: suonbunsak.chrac@yahoo.com

Mr. Seng Sokheng, Secretariat Coordinator
Community Peace-Building Network (CPN)
Phone: (+855) 92 324 668
Email: seng.sokheng@gmail.com

Mr. Theng Savoeun, Secretariat Coordinator
Coalition of Cambodian Farmer Community (CCFC)
Phone: (+855) 12 707 381
Email: ccfc.cambodia@gmail.com

Ms. Neva Thiounn, Country Manager
Diakonia
Phone: (+855) 12 465 117
Email: neva.thiounn@diakonia.se

Mr. Sao Vansey, Executive Director
Indigenous Community Support Organization (ICSO)
Phone: (+855) 23 997 657
Email: vansey@icso.org.kh

Ms. Pry Phally Phuong, Executive Director
Building Community Voices (BCV)
Phone: (+855) 89 885 625
Email: phuongbcv@gmail.com

Mr. Sar Mora, President
Cambodian Food and Service Workers' Federation (CFSWF)
Phone: (+855) 23 455 9991
Email: contact@cfswf.org

Mr. Mi Nac, Component Manager
Cooperation Committee for Cambodia (CCC)
Phone: (+855) 12 475 741
Email: nac.mi@ccc-cambodia.org

Mr. Sia Phearum, Director
Housing Rights Task Force (HRTF)
Phone: (+855) 60 313 451
Email: sd@hrtfcambodia.org

Mr. Tang Sun Hao, Country Director
Norwegian People's Aid (NPA)
Phone: (+855) 12 800 103
Email: sunhao@npaid.org

Mr. Tek Vannara, Executive Director
The NGO Forum on Cambodia (NGOF)
Phone: (+855) 23 214 429, Ext. 106
Email: vannara@ngoforum.org.kh

Ms. Sok Panha, Director
Banteay Srei
Phone: (+855) 23 216 922
Email: banteaysrei@online.com.kh

Mr. Pheap Sochea, President
Cambodia Indigenous Youth Association
Phone: (+855) 92 617 990
Email: pheapsocheaaiips@gmail.com

Mr. Mong Vichet, ED Assistant
Highlander Association
Phone: (+855) 75 974 182
Email: haratanakiri@gmail.com

Mr. Nathaniel Don E. Marquez, Executive Director
Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC)
Phone: (+63) 2351 0581
Email: angoc@angoc.org

Mr. Ali Al-Nasani, Country Director
Heinrich Böll Stiftung
Phone: (+855) 23 210 535
Email: ali.al-nasani@kh.boell.org

Leak Chowan, Development Manager
PNKS
Tel (+855) 92 278 404
Email: pnks@online.com.kh

Annex 1: Timeline of Events

9-10 September 2014

On 9 Sept. 2014, Cambodian authorities detained two of Equitable Cambodia's ("EC") employees without just cause. Ms. Meg Fukuzawa, a research consultant, and Mr. Lida Sok, a Cambodian research officer, had been conducting surveys in Bos village when they were confronted by local authorities and transported to the provincial police station.

They were interrogated about their research activities for over three hours, after which Mr. Sok was released from police custody. Ms. Fukuzawa remained in detention overnight and was involuntarily transported by armed escort to the Department of Immigration in Phnom Penh the following morning. After an interview was conducted with the Director of the Department of Immigration, Ms. Fukuzawa was released from police custody at 3:30 p.m. without charge.

Police cited concerns about the researchers' safety, as well as the unavailability of Ms. Fukuzawa's original passport as grounds for their removal from Bos village and subsequent detention and involuntary transport to Phnom Penh (*see: [joint statement re. illegal detention of EC staff](#)*).

Wednesday, 8 October 2014

On the morning of 8 October 2014, the EC research team was conducting interviews with approximately 20 evictees at Bak Nim village when provincial authorities, including Long Sokun, the Deputy Police Chief of Oddar Meanchey, arrived and ordered them to leave immediately. According to the police, since EC staff did not inform the local authorities of their activities in advance of the field visit, they would have to seek permission from the Provincial Governor to continue the interviews.

The Deputy Provincial Police Chief also erroneously invoked the Law on Counter-Terrorism¹ as a legal ground to impede the meeting, which was held at a private residence in Bak Nim village. When interviewed by The Cambodia Daily, the Provincial Police Chief, Men Maly, "conceded that there was no law requiring permission for a meeting inside a private residence, but insisted that the NGO needed it anyway."²

Mr. Chan Vichet, a Community Liaison Officer, explained that EC has been registered with the Ministry of Interior as a local NGO since 2012. As such, EC is authorized to conduct legal activities throughout Cambodia. This line of reasoning was rejected, even after copies of the relevant documents were provided to the provincial authorities.

¹ *Law on Counter Terrorism*, 2007, online: UNODC <<https://www.unodc.org/tldb/showDocument.do?documentUId=8487&node=docs&cmd=add&country=CMB>>.

² 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-meachey-police-break-up-meeting-between-ngo-evictees-69542/>>.

At 2:00 p.m., Mr. Sok, Mr. Net, and Mr. Chan met with the Samrong Town Governor, who indicated that he broke up the gathering because he was not familiar with EC and its activities. EC staff answered extensive questions put to them by the Town Governor about the organization, including the names of its NGO partners, sources of funding, and detailed activities. Upon request, the team also provided a copy of the interview questionnaire.

The Town Governor informed the group that he would meet with the Provincial Governor the following day to discuss granting permission to the team to continue their research. He commented that EC should act like other NGOs and provide Samrong district authorities with an “informing letter” to conduct work in the area, along with trip schedules, at least a week in advance.

Thursday, 9 October 2014

At 12:00 p.m. the Deputy Town Governor called Mr. Sok to inform him that because EC does not have an office in Oddar Meanchey, the team must submit a “request letter” to the provincial office. If approval were granted at the provincial level, the village and district authorities would be notified accordingly.

At 2:00 p.m., a staff member from the Cambodian Human Rights and Development Association (“ADHOC”), a partner NGO, contacted the Provincial Governor directly by telephone and was also informed that EC must submit a “request letter” to his office.

Friday, 10 October 2014

At 8:30 a.m., EC staff attended the Provincial Governor’s office to submit a “notification letter,” containing information about EC’s mission in Oddar Meanchey.

Shortly after 11:30 a.m., affected persons from Bak Nim and Bos villages arrived at ADHOC’s provincial office in Samrong to continue providing information for the NHRCT investigation. They informed the NGO partners that the police, who had been stationed at the sugar plantation since EC started their fieldwork, warned them not to leave Bak Nim village. Moreover, in an attempt to dissuade evictees from participating in interviews in town, the Village Chief of Bak Nim had intentionally misled community members by informing them that EC staff had been arrested by provincial authorities.

At approximately 4:30 p.m., 20 minutes after leaving the ADHOC office, a community representative called Mr. Sok to inform him that the authorities, including the Deputy Police Chief and Deputy Town Governor, had placed the group of 16 villagers in roadside detention. The authorities questioned the villagers about their activities, including who had invited them to the ADHOC office and why a meeting was held there. After the interrogation, the vehicle was permitted to continue back to the villages.

Saturday, 11 October 2014

Between 9:30 a.m. and 2:00 p.m., EC staff conducted 16 interviews with affected persons from Bos village and several other villages, who had been transported by EC and

ADHOC staff to the latter's office earlier in the morning. During this time, provincial authorities had erected a roadblock on the road between Samrong and Bos village.

After completing the interviews, Mr. Chan and an ADHOC staff member left Samrong in the official EC vehicle to escort the 17 villagers back to Bos village. Approximately seven kilometers from the ADHOC office, the group was met with road barriers and several police vehicles. Reporters from the television network TV3 were also on the scene.

At the roadblock, the Provincial Traffic Police Chief, Nhol Vuth, asked Mr. Chan for his driver's license and registration documents for the vehicle. Mr. Chan provided his license as directed, but the vehicle's original registration documents were being kept at EC's main office in Phnom Penh. When the Police Chief was questioned as to why they had stopped EC's vehicle, another police officer asserted that "there are many NGO cars that carry wood from illegal logging."

After detaining EC's vehicle, the police made no attempts to prevent other vehicles from driving through the barrier. After Mr. Chan noted that the police had only stopped the EC car, they began to perform cursory stops of other vehicles, during which they requested drivers to show their licences, but not their vehicle registration.

When Mr. Nhol Vuth noticed that Mr. Chan had been recording the traffic stops of other vehicles, he approached and attempted to seize the camera. When Mr. Chan refused to surrender the camera, the Provincial Traffic Police Chief physically assaulted Mr. Chan, punching him in the stomach. As the Police Chief initiated the physical violence, and therefore did not act in self-defence, his behaviour constitutes assault and serves as a blatant example of police brutality.

Subsequently, the police escorted Mr. Chan in the EC vehicle to the provincial police station, where they waited until EC was able to provide copies of the vehicle registration documents. The police claimed that their conduct, including the roadblock, roadside detention, and demand for original documents were all authorized under the Traffic Law.

Nearly three hours after receiving the registration documentation, the police directed Mr. Chan to provide his thumbprint on two traffic incident reports. The police then requested a verbal agreement that all of the photos on EC's camera would be erased. Fearing further escalation, Mr. Chan agreed to the proposed arrangement and was permitted to return to the ADHOC office with the EC vehicle around 7:00 p.m. When contacted by media about the incident, Mr. Nhol Vuth claimed that he had merely been enforcing traffic laws. He further asserted that Mr. Chan had no right to take photos of him and his officers at work, but denied striking him.³

A villager who had been evicted from O'Bat Moan village later discovered that the Village Chief had informed others that she had been arrested in Samrong, which again was fabricated to instil fear in the villagers and deter them from collaborating with EC.

³ 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/> >.