

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

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Your Excellencies,

Re: Police behaviour at protest of SL Garment Factory Workers 12 November 2013

I am writing on behalf of Lawyers Rights Watch Canada (LRWC), a committee of Canadian lawyers who promote human rights and the rule of law internationally.

LRWC is deeply concerned about the violence that occurred in Phnom Penh's Meanchey district on 12 November 2013 between police and citizens including striking garment workers. The violence resulted in the shooting death of a bystander and at least seven additional serious injuries.

On the morning of 12 November, approximately 600 striking garment workers from the factory of SL Garment Processing (Cambodia) Ltd., including representatives from the Coalition of Cambodian Apparel Workers' Democratic Union and the Cambodian Labour Confederation, attempted a peaceful protest march from the factory to the Prime Minister's home to press for government responses to demands for improved working conditions. Protestors were blocked by 50 to 100 armed anti-riot police officers, barricades and several fire trucks that were waiting for them at the Stung Meanchey Bridge. At approximately, 9:30 am, a number of protestors were observed trying to push through the barricade; some threw rocks and bricks at police who responded by firing water cannons into the crowd.

Some protestors were observed overturning and setting fire to police vehicles including a truck and two motorcycles. A number of other workers and bystanders sought sanctuary in the Stung Meanchey monastery grounds ("pagoda"). Five or six police officers followed them into the pagoda where police officers were observed beating several people. This angered persons in the crowd who threw rocks at police. The police sought protection by locking themselves into a room in the pagoda. Members of the crowd tried to get into the room but United Nation officers and human rights workers defused the situation and secured the room.

In the meantime, a number of the workers had dispersed, but the crowd had grown to include local residents. By this time, hundreds of police officers with shields had mobilized next to the bridge and were advancing toward the crowd. Orders were reportedly given for police to obtain control of the pagoda using tear gas and rubber bullets. Members of the angry crowd began to throw stones at police who threw stones back at the crowd. Police officers were also witnessed firing live ammunition at the crowd using automatic weapons and handguns.

Meanwhile, the five or six police officers managed to exit the locked room. While leaving the pagoda, one police officer was witnessed by a *Cambodia Daily* journalist to shoot a male youth in the torso at close range inside the pagoda. The youth, reportedly age 20, was witnessed to be unarmed and was not challenging or resisting police in any way. A monk at the Stung Meanchey pagoda told reporters of the *Phnom Penh Post* that he witnessed two men being shot by police with handguns inside the pagoda complex; one above the hip, and the other in the upper-thigh area. Both were taken to hospital. Police were observed dragging several youths from the pagoda and severely beating two of them.

Outside the pagoda, a bystander, Mrs. Eng Sokhum, age 49, was shot in the chest by police and later died in hospital. Another man is reportedly in critical condition with a bullet wound to the chest. Eight others were taken to hospital, six with bullet injuries. Two television journalists from TV9 were also injured while covering the event. Two police officers were reportedly treated for tear gas poisoning and a head injury caused by rock throwing.

Shortly before noon, further violence occurred after hundreds of military police officers arrived and fired more tear gas and live ammunition to disperse the remaining crowd. Police chased youths onto side streets and beat a number of them. Police detained more than 30 citizens including monks. The monks were later released.

LRWC condemns the use of violence by protestors and authorities. Authorities have a duty to permit citizens the right to freedom of peaceful assembly. The use of force against protestors must be strictly limited to what is essential to secure public safety. This incident bears alarming resemblance to the violent incident on 15 September 2013 when a bystander, Mr. Mao Sok Chan, 29, was shot and killed after police use disproportionate force against an unruly crowd by firing live ammunition into a crowd of protestors and bystanders

LRWC draws your attention to the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (UN Basic Principles)¹ which point out the vital role of law enforcement officials in the protection of the right to life, liberty and security of the person, as guaranteed in the Universal Declaration of Human Rights and reaffirmed in the International Covenant on Civil and Political Rights. Law enforcement officials have a responsibility “to maintain public safety and social peace” and may use force “only when it is strictly necessary...”

The UN Basic Principles state:

4. Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.
5. Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:
 - (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
 - (b) Minimize damage and injury, and respect and preserve human life;
 - (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;
 - (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.
6. Where injury or death is caused by the use of force and firearms by law enforcement officials, they shall report the incident promptly to their superiors, in accordance with principle 22.
7. Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.

¹ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, available at <http://www.unrol.org/files/BASICP~3.PDF>. Also available in Khmer at <http://lawcambodia.blogspot.com/2011/12/basic-principles-on-use-of-force-and.html>

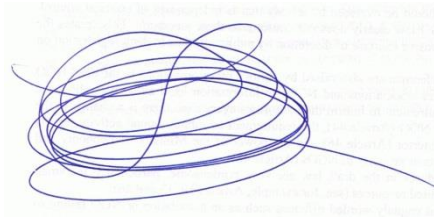
8. Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles.

In the situation at Stung Meanchey on 12 November, police failed to use nonviolent means to control the protest. Instead, they used unnecessary and indiscriminate deadly force, killing one innocent bystander. According to the Cambodian Human Rights Action Committee, Phnom Penh Police Chief General Chuon Sovann was observed ordering riot police to beat protestors.

LRWC calls on the Ministry of Interior and the Ministry of Defence (National Military Police) to implement the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and to conduct immediate training of police and military police in relevant principles of international human rights and the UN Basic Principles. LRWC also calls upon you to ensure an immediate, thorough and independent investigation into the use of force and live ammunition on 12 November and 15 September 2013. All those found responsible for human rights violations must be held accountable in an independent court, and redress must be provided to victims and their families. Authorities must also ensure that the rights of all those arrested and detained are upheld, and that all prosecutions are based on convincing evidence of unlawful behaviour.

We look forward to your early response.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Gail Davidson', with a long horizontal line extending to the right.

Gail Davidson
Executive Director
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