



KINGDOM OF CAMBODIA
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Permanent Mission of the Kingdom of Cambodia
to the United Nations Office, the World Trade Organization
and other International Organizations at Geneva

Ref. 12/01/ 028

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office, the World Trade Organizations and other International Organizations in Geneva presents its compliments to the United Nations Office of the High Commissioner for Human Rights, (Section of Special Procedures of the HRC), refers to the joint letter of a Group of Special Rapporteurs (Special Rapporteur on the rights to freedom of peaceful assembly and of association, Special Rapporteur on adequate housing as a component of the rights to an adequate standard of living, and on the rights to non-discrimination in this context, Special Rapporteur on the promotion and protection of the rights to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders, dated 26 September 2011., concerning the alleged suspension, warning and acts of intimidation against 07 non-governmental organisations (NGOs).

In this connection, and further to its previous note No. 12/01/010, dated 09 January 2012 the Permanent Mission of Cambodia is instructed by the Royal Government (along with references received from the Ministry of Interior), has the honor to make a further clarification on cases related to the above-cited NGOs as follows:

- *On 09-10 August 2011, the **Cambodian Centre for Human Rights (CCHR)** and the **National Resource Protection Group (NRPG)** have gathered 69 residents from the Provinces of Steung Treng, Peah Vihear and Kompong Thom and organised an illegal meeting in Dang Kambeth Commune, Sandann District of Kampong Thom Province. The organisers did not inform nor ask for the permission from the Local Authority. The Council of the Dang Kambeth Commune prompted those activities and requested that they should first fill legal application forms. Those NGOs did not listen to the Council and continued their illegal activities instead.*
- *On 07 November 2011, 370 residents from the Provinces of Steung Treng, Peah Vihear and Kompong Thom assembled in Damnakmean, Mean Rith Commune, Sandann District, Kompong Thom Province to*

participate in a Public Forum organised by the CCHR which was due to be held on 14 November 2011. In the meantime, during their patrol and investigation in the forest areas, the residents had seen some anarchic men using sawing machine to cut down trees and some pile of sawn timbers. The residents confiscated 6 sawing machines, burnt 4 piles of timbers down and chopped down a Kokoh pole.

- *On 11 November 2011, a number of people divided into a small group led by Mr. CHHUTH Vuthy, President of the **NRPG** (National Resource Protection Group) destroyed and burn down timbers owned by the local people in Phum Chass village. Those barbaric activities ignited acts of violence between the villagers and those people of the NGO. In preventing those activities, the authority of the Kompong Thom Province sent competent authority forces to arrest Mr. CHHUTH Vuthy. The arrest was prompted by the intervention of the Representatives of the UN Office in charge of Human Rights. The Representatives made a promise to make a coordinating arrangement to halt those activities.*
- *Along with that, a Working Group from the Kompong Thom provincial authority held a meeting with the Representatives of the UN Office in charge of Human Rights and the **CCHR**. The meeting had agreed as follows:*
 - *To postpone the date of the Public Forum which was scheduled to be held on **14 November 2011** and to first wait for all parties reached a common position.*
 - *Recommend the intervention from the Human Right Group to prevent violent activities of the people and request for the permission from the Authority to facilitate the Human Right Group to take pictures and to investigate the areas which people would like to see.*
- *Based on their distorted account, the three NGOs as indicated above, namely the **Sahmakum Teang Tnaut (STT)**, **Bridges Across Borders Cambodia (BABC)** and **NGO Forum (NGOF)** have demanded the **Asian Development Bank** to freeze the railway's project fund until certain conditions are met. The allegation and action taken by these NGOs are tantamount to an attempt to discredit the Cambodian Government, incite the public against the current administration and hamper the development efforts in Cambodia. By so doing, both **BABC** and **NGO Forum** flagrantly violated the spirit and scope of the existing Memorandum of Understanding (Article 11 and 13) signed between the two organisations and the Ministry of Foreign Affairs and International*

Cooperation. On the other hand, STT failed to fully comply with its statute as required by law and regulations.

- *The measures taken against these organisations are intended to encourage **responsible exercise of the freedom of expression**; and they should not be construed as the government's restraint on the freedom of expression and freedom of association.*
- *Attention should be drawn to Article 42 of the Kingdom of Cambodia's constitution, which stipulates, "Khmer citizens shall have the rights to establish associations and political parties. **These rights shall be determined by law.**" Therefore, the draft Law on Association and NGOs does not aim to limit but to expand their freedom to operate within a legal framework and to enhance effective cooperation between NGOs and government. To this end, the drafting process of the law has been inclusive, participatory and transparent. A number of consultative meetings between the Cambodian government and civil society have already been held to ensure that all stakeholders' concerns and recommendations are integrated into the law. The process of consultation is now even still continuing with all relevant stakeholders, with a view to finding a solution to the draft law.*

The Permanent Mission of the Kingdom of Cambodia at Geneva avails itself of this opportunity to renew to the United Nations Office of the High Commissioner for Human Rights (section of the Special Procedures of the HRC), the assurances of its highest consideration.

Geneva, 23 January 2012



c.c: - Professor Surya Subedi, Special Rapporteur on the situation of Human Rights in Cambodia
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