

Fact Sheet: Excessive Use of Force at Workers’ Protest

Timeline: November 2013

Snapshot: The recent extremely violent attempt by the authorities to crack down a demonstration by workers is yet another example that highlights the disregard for the right to freedom of expression and peaceful assembly in the Kingdom of Cambodia (“Cambodia”).



Introduction

This fact sheet provides an overview of the demonstration undertaken on 12 November 2013 by employees of the SL Garment factory in Phnom Penh, during which police discharged live ammunition, killing a bystander, Eng Sokhom, and wounding nine others. Protesters and monks were also severely beaten by police at the scene. These incidents were the culmination of efforts by law enforcement officers to violently disband the demonstration, in violation of national Cambodian law and international standards. This fact sheet is written by the Cambodian Center for Human Rights (“CCHR”), a non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout Cambodia.

Background

Cambodia’s garment industry has seen rapid and consistent growth in recent years. It is estimated that at least 475,107 workers are directly employed within the industry. However, while extremely valuable to the country’s economy, Cambodia’s garment industry is marred by inadequate working conditions, low wages, and short-term contracts, providing little job security. Both workers and union representatives at the SL Garment factory, which produces garments for Gap and H&M, have been demanding, for more than three months, improved working conditions, a wage increase, and the removal of plain-clothes military personnel who were recruited to provide security at the factory. Since August 2013, SL Garment workers have staged a series of strikes and demonstrations, some of which have been met with a violent response from the armed forces. On 23 September 2013 for example, the military police officers hired to guard the garment factory discharged live ammunition into the air above workers and demonstrators and severely beat one man. However, this incident was just the tip of the iceberg in comparison to what was to follow on 12 November 2013.

Excessive Use of Force

On 12 November 2013, a group of approximately 600 garment workers attempted to march from the SL Factory’s location at Meanchey district to Prime Minister Hun Sen’s residence in the center of Phnom Penh, where they had planned to hold a demonstration. Riot police, equipped with riot shields and batons, and accompanied by several fire trucks, met the garment workers at Stung Meanchey Bridge in order to prevent the march.

Initially, the protesters approached the riot police in a peaceful manner, carrying handmade signs and demanding that they be allowed pass. Eventually, the riot police, aided by water cannons, began to drive the protesters back in the direction from which they came. This spurred locals from the area to join the protesters. Soon after, rocks and other projectiles were thrown at the riot police. The police subsequently retreated to the far side of the bridge, leaving behind a police truck, and a

number of police officers inside the Stung Meanchey pagoda complex. The protesters then overturned and set the police truck and police motorbikes ablaze.

A large crowd gathered outside the building where the three officers had barricaded themselves. Initially a group of monks held the crowd back but they eventually gave way as the crowd descended upon the building, breaking through the door, allegedly threatening the officers and stripping them of their body armor, shields, and batons. The three officers later managed to escape the pagoda complex.

The armed forces, now increased greatly in numbers, then advanced from their position at Stung Meanchey Bridge. The protesters hurled rocks towards the armed forces who responded by discharging tear-gas canisters, [rubber bullets](#) and live ammunition into the crowd and into the Stung Meanchey pagoda complex. The armed forces then stormed the pagoda complex, chasing and [beating protesters](#). As such the protesters fled from the pagoda. A *Cambodia Daily* journalist witnessed a police officer, who was previously trapped within the pagoda, raise his pistol and shoot a university student, Mr. Hoeun Chann, in the torso.

Over several hours, a series of chaotic clashes took place between the protesters and the armed forces. During the pandemonium, a 49-year-old street vendor, Ms. Eng Sokhom, who was a bystander not participating in the protest, was hit with live ammunition from police firearms and was pronounced dead on arrival at the Khmer-Soviet Friendship hospital. On 19 November 2013, it was confirmed that Hoeun Chann is now paralyzed for life. Eight other protesters were wounded by police gunfire and several were severely beaten with batons by the police.

The Phnom Penh Post and LICADHO have video evidence of the violence available [here](#) and [here](#) respectively.

Freedom of Expression and the Freedom of Assembly

The rights to freedom of expression and freedom of assembly are protected under the Constitution of the Kingdom of Cambodia (the “Constitution”), the Universal Declaration of Human Rights (“UDHR”) and the International Covenant on Civil and Political Rights (“ICCPR”). Article 41 of the Constitution provides that all Khmer citizens have the right to “*freedom of expression, press, publication and assembly,*” while Article 31 states that Cambodia shall acknowledge and respect the UDHR and all covenants and conventions relating to human rights. The Law on Peaceful Assembly, which protects the right of citizens to demonstrate, does not cover gatherings related to labor disputes when inside or near the fence of a factory or enterprise; however the demonstration on 12 November 2013 was at an adequate distance from the SL factory.

Law Enforcement and the Use of Force

Several international instruments govern and provide universal guidelines, which describe the minimum standards for the conduct of law enforcement officers, including particular issues such as to what extent the use of force can be legitimately exercised. These requirements are echoed in the definition of self-defense in Article 33 of the Cambodian Criminal Code.

Before any contemplation of the resort to the use of force and firearms, all measures to provide a non-violent resolution need to be exhausted. Force is to be used only when strictly necessary and is to be always proportional to lawful objectives. Firearms are to be used only in extreme circumstances, and shall be used only in self-defense or defense of others against imminent threat of death or serious injury. Similarly, intentional lethal use of force and firearms shall be permitted only when strictly unavoidable in order to protect human life.

Based on information from several sources, including eyewitness testimonies, it is abundantly clear that in this case, the armed forces failed catastrophically to meet the recognized international standards. The police acted in a manner that was utterly undisciplined, disproportionate and with a complete lack of regard for the safety of people within the locality. The armed forces fired indiscriminately at the crowd of striking factory workers, bystanders and local residents, in the direct vicinity of hundreds of children who were attending school opposite the Stung Meanchey pagoda complex.

Conclusions and recommendations

The aftermath of the SL Factory workers’ protest saw the arrest of 38 people (31 civilians and seven monks), including juveniles, suspected of participating. Most of them have been released but two minors, including one known to have a mental disability, are being held in pre-trial detention at Prey Sar Correctional Center in Phnom Penh. There remain serious concerns over the investigation of both the shootings and the excessive use of force, as any arrests of implicated law enforcement officers have yet to be made. This incident is the latest in a series of public demonstrations that have been met with a violent response by law enforcement officials. This is exacerbated by the fact that the violence against protesters is more often than not met with impunity. As such CCHR urges a prompt investigation to ensure full accountability for the use of excessive force, and calls for the immediate suspension of all law enforcement agents involved in the demonstration, until a full review of the incident takes place. We also call on the authorities to guarantee that the minors arrested are treated in accordance with international human rights standards and that due consideration is given to their specific conditions.

CCHR condemns the violence used by anyone and urges protesters to ensure that demonstrations remain peaceful. CCHR reminds the Royal Government of Cambodia (“RGC”) that nobody shall be arbitrarily denied their right to life, or be subject to disproportionate punishment. Additionally, the RGC has a duty to ensure that freedom of expression and peaceful assembly is fully respected, and that security forces comply fully with both the United Nations “Basic Principles on the Use of Force and Firearms by Law Enforcement Officers” and the “Code of Conduct for Law Enforcement Officials.”

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