



**Human Rights and Freedom of Expression Events:**  
Learning From Experience



## Acronyms

|       |  |
|-------|--|
| AFEC  | Alliance for Freedom of Expression in Cambodia                 |
| CCHR  | Cambodian Centre for Human Rights                              |
| CITA  | Cambodia Independent Teachers Association                      |
| CLEC  | Cambodian Legal Education Centre                               |
| CSOs  | Civil Society Organizations                                    |
| CWC   | Cambodia Watchdog Council                                      |
| EU    | European Union   |
| IHRD  | International Human Rights Day                                 |
| NGO   | Non-Government Organization                                    |
| PM    | Prime Minister   |
| RFA   | Radio Free Asia  |
| RGoC  | Royal Government of Cambodia                                   |
| SRS   | United Nations Special Representative of the Secretary-General |
| UNTAC | United Nations Transitional Authority in Cambodia              |
| VOA   | Voice of America   |
| YCC   | Youth Council of Cambodia                                      |

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**Human Rights and Freedom of Expression Events:** Learning From Experience

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## Introduction

This publication documents the events of late 2005 and early 2006 relating to freedom of expression and human rights in Cambodia. During this period a number of prominent critics of the government were detained under questionable pretexts. In response to these arrests, civil society came together in new and innovative coalitions and networks, and a few individuals took some strong, public, and principled stands.

This publication aims to examine the lessons learnt from these events and inform other advocacy strategies and citizen movements through recommendations. It reflects the input and views of various stakeholders from NGOs, labor unions, youth associations, the media, government, the international community, and the private sector, mostly based in Phnom Penh. The focus is primarily on the period starting on International Human Rights Day (IHRD) on 10 December 2005 and through to January 2006.

## Background

Following the anti-Thai riots of 29 January 2003, Cambodian government authorities became increasingly cautious about large public gatherings. As a result, freedom of mass public expression was further limited under the pretext that such assembly could disrupt public law and order. 2005 saw a further tightening of freedom of expression, with the arrest of Sam Rainsy Party MP Cheam Channy, the lifting of several opposition MP's parliamentary immunity, a marked increase in the use of the defamation law, and increasing levels of government sensitivity to public debate of border issues.

The following two pages outline the events in late 2005 and early 2006 that led to the limitation of freedom of expression activities, subsequent arrests and major advocacy activities that occurred in response to these arrests.



Mom Sonando, journalist and owner of Beehive radio, broadcasts interview with Sean Pengse, Chairman of the France-based Cambodia Border Committee. Mr Pengse voiced opinions critical of the supplemental border treaty. According to Reporters Without Borders, Mom Sonando asked Sean Pengse to explain the border treaties between Cambodia and Vietnam and that "at no point did Mom Sonando directly attack Prime Minister Hun Sen."



Mom Sonando is arrested and charged with defamation under Articles 62 and 63 of UNTAC Law. Charges are a result of complaints regarding the 20/09/05 interview filed by the government and the National Assembly.

The Cambodia Watchdog Council (CWC) issues a signed press statement condemning the supplemental border treaty.

Conference on Freedom of Expression in Cambodia organized by Cambodia Centre for Human Rights where a "Statement on the Exercise of Freedom of Expression in Cambodia" was signed by 31 organizations.



The Alliance for Freedom of Expression in Cambodia (AFEC) is formed by more than 20 organizations.



Special Representative of the Secretary General (SRSG) for human rights in Cambodia meets with Mom Sonando and Rong Chhun at Prey Sar Prison.



20

11

24

28

2

September

October

November

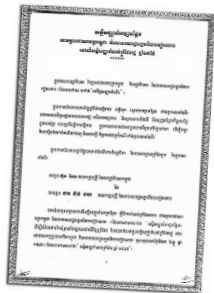
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15

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10

Signing of supplemental border treaty between Vietnam and Cambodia



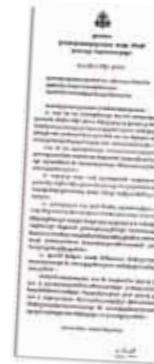
Rong Chhun, President of the Cambodia Independent Teachers Association, and a signatory of the CWC statement, is arrested.

Three other individuals associated with the CWC statement were already abroad when authorities sought to arrest them.



AFEC begin distributing 60,000 Yellow Ribbons symbolizing the wearers demand for freedom of expression in Cambodia

His Majesty King Sihamoni signs the supplemental border treaty with Vietnam.



International Human Rights Day (IHRD), attended by 10,000 people with representation from human rights and development groups, labor organizations, youth groups.

A banner displayed during the morning which contains hand written comments critical of the government is removed after complaints by authorities.



# of Events

A meeting was held with IHRD organizers and municipal authorities, where Yeng Virak, Executive Director of the Cambodian Legal Education Centre and chief organizer of IHRD, explained that following a complaint the banner had been removed by the government.



Prey Sar Prison Protest: supporters bring items for detainees and release 100 caged birds as a symbol of freedom. This was repeated the following Saturday with 150 supporters.



Assistant Secretary of State Christopher Hill meets with the Prime Minister.



The PM reportedly announces to the Council of Ministers that the defamation suits will be dropped

Government complaints against Mom Sonando, Rong Chhun, Kem Sokha, Pa Nguon Teang and Yeng Virak are withdrawn, although criminal charges remain at the court.

Pa Nguon Teang, Deputy Director of CCHR, arrested.

Mom Sonando, Rong Chhun, Kem Sokha, and Pa Nguon Teang are released from pre-trial detention.



13

4

7

17

24

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December

January

February

31

5

11

23

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Kem Sokha, Executive Director of the Cambodia Center for Human Rights (CCHR) and Yeng Virak are arrested at their offices



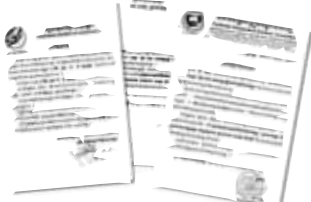
European Union Demarche (official diplomatic representation) regarding human rights and democracy in Cambodia

Yeng Virak released from pre-trial detention



Kem Sokha, Mom Sonando and Rong Chhun agree to write to PM to explain their involvement in freedom of expression acts.

The PM announces that neither suspension nor withdrawal of the cases is possible, as the cases have entered their investigation phases.







## Responses to the Events

Major advocacy events took place in response to the arrests of the human rights activists. This began with the Conference on Freedom of Expression in Cambodia, which was held at the end of October 2005 and from which the Alliance for Freedom of Expression in Cambodia (AFEC) was formed. Responses to the arrests ranged from individual statements and letters, diplomatic meetings between officials to larger scale forums and protests in both Phnom Penh, the provinces and overseas. These responses came from a range of organizations and individuals both in Cambodia and overseas. As a result, there was significant domestic and international media coverage of both the arrests, and also the advocacy activities that occurred afterwards.

Whilst there are lessons learned from these activities it is not possible to identify the impact of specific activities on the outcome. This is because the reason behind the decision to release the activists is not known. Also, since many of the activities act in synergy with one another, it is also not possible to isolate specific impact.

## Conference on Freedom of Expression in Cambodia

October 24, 2005

Organised by CCHR

**Outcome:** Resulted in the formation of the Alliance for Freedom of Expression in Cambodia (AFEC). 31 organizations signed the "Statement on the Exercise of Freedom of Expression in Cambodia" Brought together labor organizations and human rights groups in a new coalition.

## Garment buyers letter to the PM and Ministers (Labor, Commerce and Interior)

January 20, 2006

Organized by the Business for Social Responsibility and others.

**Output:** the letter called for dropping the defamation charges.

## Yellow Ribbon Campaign

November 30, 2005

Organized by AFEC

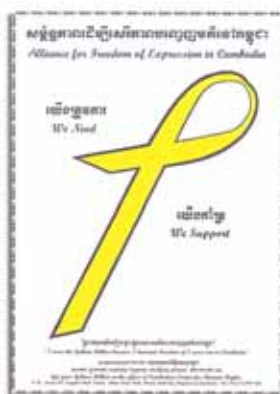
**Outcome:** Distributed 100,000 Yellow Ribbons representing support for Human Freedom of Expression in Cambodia.

**Comments:** Organizers experienced some difficulties in distributing the ribbons. Some people were afraid to wear the ribbons. It was also felt that the impacts of this campaign were limited to Phnom Penh.

*"Yellow ribbon campaign is also a good symbol but it still lack[s] interest because I think there are not many people [who know] about it and they don't know what it stand[s] for. Therefore, it would be better [to] promote it to the public about its useful[ness] and meaning."*

University Student

*"Yellow Ribbon campaign bears little influence as it did not have a wide awareness-raising to the public. It could have been better if there were groups of volunteer speakers who would outreach to organizations and get all of them to wear them, with full understanding of what it means."* NGO Director



## Thumbprint Petitions demanding freedom of expression

January and February 2006

Organized by CCHR assisted by the Youth Council of Cambodia and labor organizations.

**Outcome:** More than 180,000 thumbprints were collected by mid February.

**Comments:** Some difficulties were experienced with opposition from authorities and some groups not understanding the campaign.

*"Thumbprints exercises were effective and timely as it gave the opportunity of supporters of freedom of speech to join [and] express their opinion. Thumbprints campaigns [told] policy makers that there is popular support and that people [are] willing to put their name on the line. It put pressure on the King to do something."* NGO Director



## Candlelight vigil in front of the White House, daughters of Kem Sokha interviewed on RFA and VOA

January 13, 2006

Organized by the United Cambodian International Council (US-based) with daughters of Kem Sokha.

**Outcome:** 75 Cambodian Americans and supporters attended the candlelight vigil.



## Prey Sar Prison Visits

January 7, 2006 and January 14, 2006

Organized by AFEC and others. Delegation led by family members of the detainees.

**Outcome:** Each visit was attended by 50 to 150 people from human rights organizations, NGO officials and unions. Birds and balloons were released as symbolic gestures.

**Comments:** Families were placed at the forefront of protest. There was a focus on individuals and victims rather than organizations. *"Visit to the Prey Sar prison has impact as it shows the determination of people to communicate with the persons inside the prison and to show to people outside the determination of key activists. It showed to the international community that there are committed people who would risk their life to speak out and that the issue is important to the Cambodian public."* NGO Director





# Activities

## Increased CCHR Public Forums

January 2006

8 Forums conducted in January  
Organised by CCHR

**Outcome:** attendances ranged from 200 to 800 people, with speeches by US officials and US Ambassador. The forums were used to highlight the arrests, collect thumbprints and publicise the Yellow Ribbon Campaign. Both the national and international media published stories on these forums.



**Comment:** These forums were a very important means of reaching people in rural areas, and served to keep issues in the limelight for a longer period of time.

## World Bank Statement

January 9, 2006

**Output:** The statement referred to the use of criminal law in cases of expressing dissenting opinion on matters of politics and policy as sending a worrying message to potential investors and development partners.



## European Union Demarche (official diplomatic representation or protest)

January 5, 2006

German and French Ambassadors, and the Representative of the Delegation of European Commission to Cambodia.



**Outcome:** This delegation met with the Minister of Foreign Affairs and International Cooperation. They registered a diplomatic protest concerning human rights and democracy in Cambodia given the arrests.

**Comments:** In this meeting the delegation emphasized Cambodia's international obligations.

## Personal Diplomacy: Visits to Phnom Penh based Ambassadors

January 2006

Te Chanmono, wife of Kem Sokha.

**Outcome:** Te Chanmono was received by 8 Ambassadors following the arrest of her husband, including the Ambassador's of Japan, Germany, Thailand and Singapore.

**Comments:** Although the actual impact of these visits is not known, the fact that she was given appointment indicates the seriousness with which these arrests were considered. These visits were reported in the local media.

## UN Special Representative of the Secretary General for Human Rights in Cambodia

November 28, 2005 - December 5, 2005

**Outcome:** The UN SRSG met with the Minister of Foreign Affairs and International Cooperation; visited



Mom Sonando and Rong Chhun at Prey Sar, and Cheam Chany in military prison.

The SRSG registered his concern about freedom of expression and the implementation of human rights in Cambodia.

## Visits of foreign dignitaries

January 2006

**Outcome:** The Swedish Minister of Justice visited Kem Sokha at Prey Sar prison and also met with Royal Government of Cambodia officials, including Prime Minister Hun Sen.



The US Assistant Secretary of State, Christopher Hill, met with Prime Minister Hun Sen.

**Comment:** Several informants in this study credit the visit by Christopher Hill as being the most important factor in the release of the activists.

# What Worked and What Didn't?

## Strengths

### **Collaboration and coordination**

Human rights organizations and civil society worked together with new and existing partners, such as the international community, media and other groups. New partnerships were successfully forged between human rights organizations, development NGOs, labor unions and the wider civil society, including youth associations during the latter half of 2005 and early 2006.



More than 11,000 workers, students, and human rights activists celebrated International Human Rights Day.

The second wave of arrests by the government that followed International Human Rights Day - which was perceived as non-confrontational and highly inclusive - were perceived as going too far by many. This acted as a catalyst for increased involvement by labor unions and federations in human rights issues, and interaction with human rights organizations and development NGOs.

**Example:** Of the 180,000 thumbprint petitions collected, the Youth Council of Cambodia (a new umbrella youth organization) was credited with 14,756 demonstrating the active involvement and cooperation of a new player.

Each group had skills and advantages that the others did not have, such as the labor unions broad based membership structure and the lengthy practical experience in advocacy of human rights NGOs. Their cooperation grew naturally with the help of individuals who were involved with more than one group.

### **Courage and principled stands**

While a few activists chose to go into hiding or leave the country, others made conscious decisions to remain in the public. Yeng Virak and Kem Sokha both chose to remain in Cambodia when they suspected authorities would attempt to arrest them; one union leader believed to be under the threat of arrest came out to Prey Sar prison on a Saturday to release birds and balloons and to make a speech. They made public statements based on principles of freedom of expression and association. These principled stands served as an example to other activists and the coalition then supported them and coalesced around their stances.

### **Innovative communication methods, media and the international community**

Wider audiences were reached and mobilized during these activities due to the adoption of new communication methods such as mobile phone text messages giving details of CCHR forums and news on new events, internet sites were created (for example the freesokha website) and internet discussion forums became active. For example, the Thumbprint Campaign organizers used text messaging to keep updated on tallies of petition counts in the provinces.

Increasing media coverage of advocacy events prior to the releases of the activists was seen as evidence of an effective increase in media scrutiny. Furthermore, strategies were chosen to influence those major players that could have a significant influence on the decision of the authorities such as public relations with the major garment buyers resulting in a private letter sent from the garment buyers in the US to the authorities coinciding with a strategic visit of the US Assistant Secretary of State. It was felt that the international community played an important role as intermediary between civil society and the government.

Working with the international community was very important as *"We needed to build a bridge to the outside world . . . and the media was the key."* (NGO senior staffer)

### **Non confrontational mass mobilization**

Given Cambodia's contemporary history there was general reluctance to engage in more confrontational forms of protest such as mass protests leading to mass arrests. The Yellow Ribbon and Thumbprint Campaigns highlight the importance of advocacy efforts to be culturally and historically appropriate.

*"Provocation will not work. Especially in Cambodian culture, just [a] word can spark a conflict"* (Cambodian development worker).

Many respondents highlighted the success of the Thumbprint campaign. The message of the campaign was clear, and Cambodians were accustomed to this method of using a thumbprint to voice their opinion.

Notwithstanding criticism of the extent of its reach outside of Phnom Penh, the Yellow Ribbon emerged as a powerful symbol of Cambodians aspirations for freedom of expression.

*"The Yellow Ribbon was a message that fit in the context of Cambodia and supported non-violence."* (NGO Senior Staffer)



## Challenges

### **Lack of leadership, fear and mistrust**

The first wave of arrests in October 2005 caused a number of human rights leaders to leave the country temporarily. Subsequently, the second wave of arrests led to a pervasive fear among activists and individuals involved in advocacy activities. This fear led to further human rights activists leaving the country or going underground. Consequently, some advocacy activities were halted and there was a lack of leadership from some of the larger and more vocal civil society organizations.

### **Personality-based organizational structures**

It was felt the absence of leaders during these events led to a power vacuum in some institutionally weak organizations. Often, NGOs in Cambodia are based on the personalities of their leaders, and when leaders leave, it is difficult to find new leaders from existing staff members, or from outside. However, this also had a positive effect in the context of these events. The absence of leaders gave junior management the opportunity to rise to take initiative and exert leadership. It also allowed the unprecedented emergence of new committees that crossed labor, human rights, and other sectors. As many of the core group members were junior managers. Partnerships were forged more easily because personalities and egos were subdued.

### **Lack of Information**

Many respondents indicated that internal communications amongst organizations was a key weakness. At times, organizing committees did not have clear discussions as a group and often goals and strategies were not felt to be clear. For example, some union leaders did not fully understand the thumbprint petitions campaign and collection of thumbprints by members was further complicated when many hotel operators disallowed petitions being collected on their premises

### **Inconsistent International/Business opinion**

Informants across the diplomatic community, the government, development partners, and the private sector complained that despite the appearance of a consensus, the international community's statements were "*very weak*" (RGoC Advisor) or "*disappointingly weak*" (Labor Leader). Furthermore, it was felt that there was sentiment amongst some in the business community in support of the arrests as they enhanced the sense of control and stability.

# Recommendations for Future Advocacy Efforts

These recommendations are intended to strengthen groups involved in advocacy activities and their ability to present a variety of views and promote peaceful approaches to increasing democratic space and change in Cambodia for both the short and long-term.

## Promoting and improving partnerships and dialogue

### Consolidate newly formed coalitions and the gains achieved in these events

New ties initiated during this period should be explored and strengthened to build on achievements.

#### Action Points

- Organize some larger meetings or events of groups who were involved.
- Organize a formal lessons learnt process. If such events happen again, how could civil society react differently / better?
- Consolidate the gains made by AFEC and other core groups/organizing committees.
  - o Consider rotating the chairmanship of AFEC so that its image does not become associated with one organization or personality.
  - o Create by-laws, and look to formalize organizational legal status.

### Improve dialogue and relations with Government and donors

Civil society needs to create bridges and links and build confidence between the government, donors and civil society. These links could possibly help in conflict-prevention in the case of possible impending arrests in the future.

*You don't have to object to everything. For both the opposition and civil society, it's important now to move away from reaction which would have been acceptable five years ago but not today. You can't afford not to talk to each other.* (Cambodian governance expert)

*We need to be careful in our use of international pressure... not to cry wolf, and not to be threatening. We need to remind the RGC of its obligations under international conventions. We are development partners not adversaries.* (Senior Diplomat)

*Civil society needs not to be seen as an "opposition". The recent open dialogue is a good sign. Civil society needs to be clearly independent. Civil society programs need to be grassroots based, that they don't only do seminars in Phnom Penh. Donors need to evaluate frequently the effectiveness of the programs.* (Cambodian Human Rights Activist)

### Action Points

- Human rights and civil society organizations should ask for regular meetings with government and donors and ensure information is shared routinely.
- Use meetings as an opportunity to brief and exchange information. Not all meetings need to be about demanding specific action.
- Donors and civil society need to be more open to discussing failure, weaknesses and lessons learned.
- Civil society organizations should discuss with their partners, in particular overseas organizations, what information needs they have (for example type and frequency).

**Example 1:** The Community Legal Education Centre's partnership with the Ministry of Interior on the draft Freedom of Assembly Law has shown constructive engagement and partnerships between civil society and the RGC.

**Example 2:** The Cambodian Development Research Institute's (CDRI) has spent many years promoting dialogue through the Conflict Prevention in Cambodian Elections (COPCEL) program - this has been considered a success by many.

### Explore new networks and groups, and in particular improve provincial networks

Civil society should explore ways to get more people and networks involved in advocacy and in particular expand participation and information at the rural level.

### Action Points

- Improve provincial networks and involvement of organizations at the rural level:
  - o Hold public forums in the provinces.
  - o Support independent, accessible rural media and increase spread of current media signals / distribution.
  - o Provide internet access for community based organizations based in rural areas.
  - o Translate foreign language reports and other information into Khmer and distribute to rural areas.
- Increase involvement of youth groups through special sub-committees, membership and representation in planning groups.
- Consult the business community - The importance of trade and the economy to the authorities, and indeed to all Cambodians, can be capitalized upon.
- Explore the role of Cambodians overseas.



## Institutional Strengthening

### Move away from personality based organizational structures

Actors within organizations need to be flexible and change back and forth from role of leader to follower. The success of decisions made and opportunities given to mid-level management during these events should be capitalized upon and discussed internally within organizations to try and move away from the trend of personality based leadership of organizations. Good leaders make good followers.

*We are "very much dependent on ... ring-leaders, an individual actor rather than institutions themselves ... To have effective institutions, general rules apply, those institutions must be operated by professional staff who are committed to excellence in an open and transparent manner." (Cambodian scholar)*



A participant at an FOE march

### Action Points

- Provide management training to junior managers.
- Consider trust-building activities for senior level leaders within and across organizations.
- Delegate responsibility downwards and decentralize decision making.
- Upper level management should only commit to meetings they can actually attend and once committed should not send lower level staff.

## Advocacy Techniques

### Focus on victims, not organizations

During the Saturday Prey Sar protests, and later lobbying for the release of detainees, the victims (detainees and their families) were put at the forefront of the activities so the focus was on these individuals and their plight, rather than on organizations, laws and abstract concepts. This is a strategy used by many global human rights organizations and can assist in mobilizing the sympathy of the general public. How best to develop and use this approach could be explored.

### Take principled stands

Lessons can be learned from the actions of those involved in these events. Consideration should be given to other moves involving principled stands, including stands of solidarity which may lead to non-violent solutions.



Text messages were used to mobilize public support

### Communication through technology

Improve the reach of advocacy messages through technology.

#### Action Points

- Explore mobile phone use - such as text messaging via software and use of mobile phone cameras for photographs which can be posted on blogs and disseminated.
- Blogging can be used to increase the outreach of citizen journalism.

## Campaign Coordination and Planning

Forward plan for future events and share the outcomes with other organizations:

Organizations should consider outcomes and lessons learned from these events and implement planning processes for the future. These planning processes, and analyses conducted, could be shared with other organizations to build overall capacity to deal with such events.

### Action Points

- Analyze obstacles and possible solutions. A deeper analysis of the activities during this period, the obstacles faced by organizations and individuals and possible solutions could provide helpful information in planning future actions.
- Explore legal issues and plan for possible arrests. This should consider both prevention and protection when issues are encountered. It is important for activists and organizations to consider legal issues and representation in advance of any potential legal actions against them.
- Enhance measures for security and protection. Some informants mentioned the need to plan ahead for the future with protection plans, as well as security plans (both physical, documentary and electronic).
- A legal and practical analysis of the defamation charge and the effects of arrests using this charge should be conducted. Although the government has said this law will be revised, this needs to be carefully monitored by legal analysts and civil society organizations.
- Create a Secretariat for information sharing. A designated organization or secretariat of an umbrella group could serve as a base of information.
- Monitor television and other media - this enables organizations to observe how events are portrayed and to (1) report the facts clearly of what was said by the media, and (2) develop information campaigns that clarify or correct any misinformation that may have been broadcast.



## Conclusion

The events that followed the arrests in late 2005 brought many positive developments within civil society. Cambodians worked in new ways with the international community, and traditional networks were expanded.

Freedom of expression and assembly are still at risk in Cambodia. In 2005, the authorities began using a defamation law dating back to the United Nations Transitional Authority in Cambodia (UNTAC) period to arrest and imprison high profile figures for expressing their views and for allowing others to express their views. Even more importantly, many more un-named and powerless activists in the provinces have been charged with defamation. Despite government commitments to conduct a review of the law, defamation still remains a criminal offense. Under the current draft of a proposed new law on public assembly, all spontaneous protests and demonstrations must be held in government-designated parks, have no more than 200 people, and last no longer than four hours.

In the face of growing threats to freedom of expression and assembly, citizens have a right to demand that their government fulfils its commitments to opening up democratic space and to become an equal player at an international level.





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