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# The CAMBODIA DAILY

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## Sam Rainsy Leads Fiery Assembly Debate Against Protest Law

BY NEOU VANNARIN  
THE CAMBODIA DAILY

The National Assembly yesterday worked its way to the midpoint of approval of the controversial draft law on peaceful demonstrations that would place heavy restrictions on protests, despite the vocal resistance of opposition party lawmakers.

In his first appearance at the Assembly since it opened earlier this month, SRP leader Sam Rainsy blasted the law as a departure from the country's principles of democracy.

"Everyone wants peace, but not peace as in a graveyard," Mr Rainsy told the Assembly. "One hundred percent quiet like a graveyard? No one wants that," he said.

The demonstration law will restrict peaceful protests to crowds of fewer than 200 people, and requires at least three representatives for the demonstrators to register their identification cards with local authorities at least five days before a protest is planned.

Just over 70 percent of lawmakers present yesterday voted to approve 14 out of a total 30 articles in the law. The two chapters approved mainly concerned the overall goal of preserving violence-free demonstrations, as well as the legal procedures for registering protests. Yesterday's discussion marked a return to debate of the draft law, which was delayed on Thursday so that Asean trade laws could be approved.

In remarks that filled his allowed time to address the Assembly, Mr Rainsy said that an article specifying that the Ministry of

Interior must approve any protests will present an obstacle for demonstrations organized by supporters of the opposition.

"The Ministry is the government, and the government is led by the ruling party," Mr Rainsy said. "They will not allow protests if they are worried...about effects on their power," he said.

Mr Rainsy suggested that an independent body be created to approve demonstrations.

Chairman of the Assembly's legislation and justice committee Pen Pannha, who is a CPP lawmaker, rejected that suggestion.

"We do not need to ask [permission] from other organizations... We have the ministry," Mr Pannha said. "The state is elected by the people," he continued.

Fellow CPP lawmaker Soum Chen complained that Mr Rainsy's return to the Assembly was disruptive.

"In the last couple of days, our discussion was going well, but after the return of president Sam Rainsy, [the opposition] is saying bad things, which we cannot accept," the ruling party lawmaker said, adding that he supported the draft law on demonstrations as a measure to "promote peace."

SRP lawmaker Kimsour Phirith objected to the 200-person cap on protests, explaining that protests in the US sometimes number in the tens of thousands to demonstrate the strength of support for a cause.

"We should not restrict the number of protesters," he said. "We want [the government] to make it more free than this."

Speaking on the sidelines of the debate, Human Rights Party President Kem Sokha said that his party does not support the law, as its definitions are not entirely clear, and it restricts freedom of speech.

"It does not state clearly what it means by national security, public order, etc," Mr Sokha said. "Protests act as a substitute for armed conflicts," he added.

According to a copy of the draft, the "law aims to guarantee protection for citizens' freedom of expression through peaceful demonstration, but [citizens] should not use this right to violate and affect other people's dignity, rights, freedom, social customs, public order, or national security."

During debate yesterday, Nuth Sa An, secretary of state at the In-

terior Ministry and government representative to the Assembly, said that the law is aimed at preserving public order and protecting of Cambodian culture.

"The law's goal is to regulate protests, not to affect other people and their freedom," he said. "If someone wants to hold a march without wearing any clothes, we would not allow it because it violates Cambodian culture."

National Assembly President Heng Samrin said after the Assembly meeting that he would work to push the law through quickly.

"We just want to achieve what the government has charged us with," he said. "This law just regulates protests so they are done in the right way."

# The Phnom Penh Post

TUESDAY, OCTOBER 20, 2009

## National Assembly reopens debate on Demonstration Law

BY MEAS SOKCHEA

THE debate on the government's controversial Law on Nonviolent Demonstrations reopened during a session of the National Assembly on Monday, with opposition lawmakers again expressing concerns the law could be used to stifle freedom of expression for peaceful demonstrators.

The first 14 of the law's 30 articles were approved during Monday's session, including Article 14, prohibiting gatherings of more than 200 people without at least 12 hours' advance permission from the authorities.

Opposition leader Sam Rainsy, who said he has led more than 50 demonstrations, told the assembly that the creation of a new law regulating public gatherings was an important step forward but insisted that the parliament amend some articles to safeguard the right to freedom of expression, and that the government take action to protect participants in legal demonstrations.

"No one has led more demonstrations than I have, so my opinions about demonstrations are based on experience," he said.

He added that the law as written was acceptable, but that full and proper implementation was vital, citing the grenade attack on a Khmer Nation Party rally he led in March 1997, which killed at least 13 people, including his personal bodyguard.

The ill-fated protest, he added, had been preceded by official permission from the Ministry of Interior, and the perpetrators of the attack have never been brought to justice.

Sam Rainsy also said, how-

ever, that the pretext of "security" and public order – noted in Article 2 of the draft Demonstration Law as justifications for the restriction of legal gatherings – should not be used to stifle basic civil liberties.

"We have said that we need peace," he said. "If we are lying in a grave, things are nice and quiet, but no one wants 'grave, peace'. We want the peace of an active society. We want a security of freedom, the security of people who live with full rights – not the security of slaves."

### Criticism as unpatriotic

Responding to the opposition concerns, Som Chen, a lawmaker for the ruling Cambodian People's Party, said the Sam Rainsy Party president had sullied the debate with "insults".

He said that by making comments about "grave peace" and the "security of slaves", Sam Rainsy was looking down on the King and the Cambodian people. "If we betrayed the nation and sold the nation, why have [people] voted for the CPP?"

During the session, amendments to the law proposed by the SRP and the Human Rights Party were rejected by ruling party officials, who said no changes were necessary. HRP President Kem Sokha told reporters at the assembly that his party would not vote to adopt the law unless changes were made to key articles.

"We have stated clearly why we will not adopt it.... The Demonstration Law has been attached to national security and public order. This is the government's pretext," he said. ■

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## Most Articles in Demonstration Law Approved

BY NEOU VANNARIN  
THE CAMBODIA DAILY

By the end of debate at the National Assembly yesterday, lawmakers had approved the majority of articles in the draft law on peaceful demonstrations, which members of the opposition say will severely constrain freedom of expression.

The chapters approved cover the responsibilities of protest organizers and supervising authorities, as well as the procedure for dealing with damage caused during a demonstration—the section of the code that led the Assembly to make the extraordinary decision to send the law back for revisions at the Interior Ministry in 2008.

Originally, demonstration organizers were to be held legally responsible for any damage made to private or public property during a protest. The draft has since been amended to read, “If the peaceful demonstration turns to violence, causing damage to private or public property, the repair of damage should be the responsibility of the

perpetrator and accomplices.”

The law will restrict protests to crowds of fewer than 200 people, and will require at least three representatives for the demonstrators to register their identification cards with local authorities at least five days before a protest is planned. Demonstrations will only be allowed in designated areas, and won't be permitted after 6 pm.

A total of 12 articles in two chapters were approved yesterday by affirmative votes from 80 and 92 lawmakers out of 106 present, leaving only three of the law's 30 articles to be debated today.

SRP President Sam Rainsy said during the debate that the government should concentrate on solving problems like land and labor disputes that are at the root of protests, rather than seeking to curb demonstrations.

“I think the important thing is prevention rather than curing. If the government's administration were good, there would be no demonstrations,” Mr Rainsy said.

Mr Rainsy also pointed to the more than 700 garment workers who protested in front of Prime Minister Hun Sen's Takhmau district compound on Monday in a plea for the premier's intervention in a dispute over pay.

“If I were the prime minister, I would not be proud that everyone from everywhere comes to me every time.... If I were the prime minister, I would worry about why people come to me—what are the ministries, departments and offices doing?” he asked.

Hem Khan, a CPP lawmaker, said during the debate that Monday's protest was a sign that Cambodian democracy is alive and well. “I think that this reflects on democracy and the freedom of the people.”

Fellow CPP lawmaker Som Kimsuor added, “It is my understanding that demonstrators go to Samdech Hun Sen's house because they can bring a faster solution, and they want to do things quickly.”

# The Phnom Penh Post

WEDNESDAY, OCTOBER 21, 2009

## Demonstration law debate continues at Nat'l Assembly

BY MEAS SOKCHEA

**P**ARLIAMENTARIANS continued debate on Tuesday over the government's proposed law to regulate public demonstrations, with the National Assembly passing chapters three and four of the six-chapter law.

The opposition Sam Rainsy Party declined to contest chapter four of the law, which relates to crimes committed during the course of demonstrations, though SRP lawmaker Son Chhay said that his party would not support any of the other five chapters.

The SRP registered particular concern during debate on Tuesday over the demonstration law's stipulation that protesters must wait for approval from the Ministry of Interior before holding a public gathering.

Nuth Sa An, a secretary of state at the Ministry of Interior who served as the government representative to defend the draft law, rejected these criticisms, however, saying that government officials needed to hold talks with demonstration leaders before allowing their protests

to go ahead.

"We cannot allow people to inform the government and then immediately go and demonstrate," Nuth Sa An said. "If any problems occur at the demonstration, who is responsible for this? It is the government."

SRP President Sam Rainsy urged the government to consider broader reforms to reduce the number of dem-

onstrations that take place in Cambodia, rather than simply seeking to restrict the demonstrations themselves.

Noting the many demonstrations that have taken place in front of Prime Minister Hun Sen's Takhmao residence, Sam Rainsy said that if he were premier, he would be embarrassed by this frequent occurrence.

"If I were prime minister, I

would not feel proud of people coming to me like this. What does it mean? It means that our officials are inactive, that all government institutions below the prime minister are inaccessible," he said.

Lawmakers have now passed 27 of the 30 total articles in the Law on Nonviolent Demonstrations, with the final three articles expected to be passed tomorrow. ■

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## National Assembly Passes Demonstration Law

BY EANG MENGLENG  
AND BETHANY LINDSAY  
THE CAMBODIA DAILY

All protests in Cambodia will soon be restricted to crowds of fewer than 200 people gathering in specially designated zones during daylight hours only, after the National Assembly approved a law on peaceful demonstrations yesterday.

After three days of debate, the law was approved by affirmative votes from 76 out of 101 lawmakers

present yesterday.

SRP spokesman Yim Sovann said that his party's members did not vote in favor of the law and that it was pushed through by lawmakers from the CPP, Funcinpec and the NRP.

During debate yesterday, SRP President Sam Rainsy said that his party could not support the law because it severely constrains freedom of assembly. "It has the will for the authorities to ban the people

from doing non-violent demonstrations," he said. "We do not want to eliminate demonstrations; we have to eliminate what pushes the people to demonstrate in the first place."

The legislation covers "the gatherings or marches by a group of people to demand or express in public their ideas or the will of their group by using posters or other methods of nonviolence."

The law restricts protests to  
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### Law...

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crowds of fewer than 200 people, and requires at least three representatives of the demonstrators to register their identification cards with local authorities at least five days before a protest is planned. Demonstrations will only be allowed in specific areas designated by officials, and won't be permitted between 6 pm and 6 am.

Nuth Sa An, secretary of state at the Interior Ministry and government representative to the Assembly, said the restrictions will come into effect in the next six months.

Rong Chhun, president of the Cambodian Independent Teachers' Association, said the law threatens freedom of expression in Cambodia.

"They will use police to break up demonstrators if we gather more than 200 people. The freedom of expression here is zero," he said.

The nuances of the law are just as worrying as the large-scale implications, according to Ou Virak, director of the Cambodian Center for Human Rights. He pointed in particular to restrictions on demonstrations held on private property.

"When you want to hold a protest on private property, you have to inform the authorities 12 hours before," Mr Virak said. "That's going to be a major danger."

He added that the requirement of seeking approval with provincial authorities before a protest could be a serious restriction for activists in rural areas. "That's actually scary to me," Mr Virak said, explaining that the previous legislation allowed demonstrators to register their intentions at their commune offices. "In the case of Ratanakkiri, [the provincial office] can be very far."

Although the idea of a "freedom park" set aside specifically for demonstrations holds some appeal, Mr Virak said, "The time limit is going to undermine the effect... I think the authorities should be

responsible to have police on stand-by for spontaneous protests."

Approval of the law without wide public distribution of the draft or substantial input from members of the public irked some members of the NGO sector, who said yesterday that this term of the Assembly has seen a decrease in transparency.

"What can we say?" asked Naly Pilorge, president of rights group Licadho. "I can only say that contrary to our Constitution and what is said in Cambodia, this law has not been made public and there has been no time to get input from civil society."

She said the lack of consultation is a trend she's noticed since the ruling CPP was given a strengthened mandate in the July 2008 election. "For the past year, most laws have been very secretive," she said. "Even at the National Assembly, there are restrictions from anyone even observing discussion about laws."

The Assembly recently put in place restrictions that require potential visitors to Parliament to submit official requests before being allowed into the public gallery.

Koul Panha, director of the Committee for Free and Fair Elections in Cambodia, agreed that the process of drafting and approving legislation has become increasingly inaccessible. "We found out that there's a lack of consultation with stakeholders on this law... It's been this mandate. Many stakeholders are finding it difficult to get access to the discussion debate."

However, the road to approval of the demonstration law did mark a rare departure from the status quo for the Assembly, which granted an SRP request in 2008 to return the draft law to the Interior Ministry for revision.

CPP lawmaker Cheam Yeap said yesterday by telephone that he was proud of the law. "This law will prevent violent demonstrations and encourage nonviolent demonstrations," he said. He added that, "If the opposition is elected, they can make amendments [to the law]."

# The Phnom Penh Post

THURSDAY, OCTOBER 22, 2009

## Assembly passes demonstration law

BY MEAS SOKCHEA

THE National Assembly approved the final articles of the draft Law on Nonviolent Demonstrations on Wednesday, but three days of debate on the controversial legislation have done little to dampen concerns it will restrict the right to freedom of expression.

Opposition leader Sam Rainsy said after the session that the law would allow the government to use national security and public security as a "pre-text" for shutting down demon-

strations. "We do not support this law because it is just a pretext to close down the people's freedom of expression," he told reporters after the session.

Kem Sokha, president of the Human Rights Party, said the law showed just how frightened the ruling Cambodian People's Party was of "people power".

"In a democracy, they allow people to protest when the elected government leads the country in an unfair way," he said. "If protests cannot be resolved, people power will occur."

Senior CPP lawmaker Cheam

Yeap rejected the accusations, saying the same critics who criticised the government for not passing the law were now slamming the new legislation.

"All laws are important for the nation, not just for the ruling party," he said, adding that the law could be used by any party that wins an election. "What we are doing is conforming to the situation in Cambodia."

Under the new law, gatherings of more than 200 people will require organisers to apply for a permit from the government at least 12 hours ahead of time.

Other observers said the law was necessary, but expressed concerns that striking workers and other aggrieved Cambodians could lose a vital outlet for expression.

"There should be a law, but the law should protect people," said Moeun Tola, head of the labour programme at the Community Legal Education Centre.

"If the workers or the people want to express their opinion, the law should be developed to protect them, not to limit their freedom of expression."

ADDITIONAL REPORTING BY JAMES O'TOOLE ■