

2014 FREEDOM PARK ARRESTS

Summary

In July 2014, seven Cambodia National Rescue Party (CNRP) MPs-elect – Mu Sochua, Keo Phirum, Men Sothavarin, Ho Vann, Real Camerin, Long Ry, and Nuth Rumduol – were arrested over the space of two days after holding a protest to “re-take” Freedom Park, Phnom Penh’s government-designated space for assemblies and gatherings, which had been closed off since January 2014. They were all charged with instigating aggravated, intentional violence, incitement to commit a felony, and leading an insurrectional movement, charges carrying a total combined penalty of 22 and a half to 37 years in prison. After a political deal between the ruling Cambodian People’s Party (CPP) and the CNRP was reached later that month, they were all released, although the charges were never officially dropped. A year later, 11 officials and supporters of the CNRP, who had been arrested around the same time and in relation to the same protest, were convicted on charges relating to insurrection and sentenced to between seven and 20 years in prison.

Charges

Criminal Code, Article 28: Definition of instigator

An instigator of a felony or a misdemeanor shall be any person who:

1. Gives instructions or order to commit a felony or misdemeanor;
2. Provokes the commission of a felony or misdemeanor by means of a gift, promise, threat, instigation, persuasion or abuse of authority or power.

An instigator may only be punishable if the felony or misdemeanor was committed or attempted.

An instigator of a felony or misdemeanor shall incur the same penalties as the perpetrator.

Criminal Code, Article 218: Aggravating circumstances [aggravated intentional violence]

Intentional acts of violence shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels if they are committed:

1. With premeditation;
2. With the use of or threat to use a weapon;
3. By several persons acting as perpetrators, co-perpetrators, instigators or accomplices

Criminal Code, Article 494: Conditions for Existence of Incitement

For the purpose of enforcement of the present Chapter, the incitement is punishable when it is committed:

1. by speech of any kind, made in a public place or meeting;
2. by writing or picture of any kind, either displayed or distributed to the public;
3. by any audio-visual communication to the public.

Criminal Code, Article 495: Incitement to commit a felony

The direct incitement to commit a felony or to disturb social security by employing one of the means specified in Article 494 (Existence of incitement) of this Code shall be punishable by imprisonment from six months to two years and a fine from one million to four million Riels, where the incitement was ineffective.

Criminal Code, Article 456: Definition of insurrectional movement

An insurrectional movement consists of any collective violence liable to endanger the institutions of the Kingdom of Cambodia or violate the integrity of the national territory.

Criminal Code, Article 457: Applicable penalty

Participating in an insurrectional movement:

1. By building barricades, fortifications or by any construction whose objective is to prevent or obstruct the action of the public forces;
2. By occupying with force or by deceit any building or installation;
3. By destroying any building or installation
4. By assuring the transport or logistics supplies of the insurgents;
5. By directly inciting the insurgents to gather;
6. By personally holding or carrying a weapon, explosive or ammunition;
7. By usurping a lawful authority;

Shall be punishable by imprisonment from seven to fifteen years.

Criminal Code, Article 459: Leading insurrectional movement

Leading an insurrectional movement shall be punishable by imprisonment from twenty to thirty years.

Criminal Code, Article 460: Additional penalties (nature and duration)

The following additional penalties may be imposed in respect of the offences defined in this Section:

1. Forfeiture of certain rights, either permanently or for a period not exceeding five years;
2. Prohibition from practicing a profession in the practice of or in connection with which the offense was committed, either permanently or for a period not exceeding five years;
3. Local exclusion for a period not exceeding ten years;
4. Prohibition from leaving the territory of the Kingdom of Cambodia for a period not exceeding five years;
5. Prohibition of a convicted alien from entering and remaining in the territory of the Kingdom of Cambodia, either permanently or for a period not exceeding five years;
6. Confiscation of any instruments, materials or items which were used or intended to be used to commit the offense;
7. Confiscation of one or more vehicles belonging to the convicted person;
8. Prohibition from possessing or carrying any weapon, explosive or ammunition, either permanently or for a period not exceeding five years;
9. Publication of sentencing decision for a period not exceeding two months;
10. Publication of sentencing decision in the print media;
11. Broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

2014

14 July – CNRP leaders – including Mu Sochua and other MPs-elect – call on Interior Minister Sar Kheng to lift the ban on public gathering in Phnom Penh’s Freedom Park; ¹ Ministry spokesman Khieu Sopheak says that the CNRP MPs are not “lawmakers yet, [so] police can beat them.” ²

15 July – CNRP MPs-elect Mu Sochua, Keo Phirum, and Men Sothavarin are detained after clashes erupt on Naga Bridge near Freedom Park during a protest they are leading; CNRP MP-elect Ho Vann is detained after being summoned by police shortly thereafter. ³

16 July – CNRP MP-elect Real Camerin is arrested in the early morning; CNRP Public Affairs Department chief Ouern Narith is arrested later in the morning. During a press conference, government spokesman Keo Remy claims the violence was a “premeditated act of anarchy organized on Facebook by Ms. Sochua.” Authorities announce that all CNRP officials will be charged under Criminal Code Articles 28 and 218 (instigating aggravated, intentional violence); Article 495 (inciting others to commit a felony); and Article 459 (leading an insurrectional movement). ⁴

19 July – CNRP President Sam Rainsy returns to Cambodia and calls for the CNRP members to be released and for Freedom Park to be reopened. ⁶

22 July – Following a meeting between high-level CPP and CNRP officials, the two parties issue a joint statement announcing that a deal has been struck to break the political deadlock. The eight CNRP officials detained, including the MPs-elect, are subsequently released, although the charges are not dropped. ⁷

1 August – CNRP Deputy President Kem Sokha, along with the eight CNRP officials, including MPs-elect, formerly detained, are all summoned to appear at the Phnom Penh Municipal Court between 8 August and 13 August. ⁸

2 August – CNRP youth leaders Khin Chamreun, San Kimheng, and Neang Sokhun are arrested and charged with participating in and leading an insurrectional movement (Criminal Code Articles 456, 457, and 459), along with the other eight CNRP officials, including MPs-elect. ⁹

5 August – The CNRP MPs officially take their oath as lawmakers and their seats in the National Assembly. ¹⁰

11 August – All seven of the CNRP MPs detained over the 15 July Freedom Park protest announce that they will not attend the hearing; Investigating Judge Keo Mony says he will no longer continue questioning any of the eight CNRP MPs (the seven previously detained, plus Kem Sokha), but will continue questioning CNRP Public Affairs Department chief Ouern Narith. ¹¹

13 August – The Phnom Penh Municipal Court announces it has summoned CNRP National Assembly candidate Meach Sovannara for questioning on 27 August, and CNRP youth members San Seihak and Tep Narin for questioning on 1 September. ¹²

15 August – Investigating Judge Keo Mony issues a summons for CNRP National Assembly candidate Meach Sovannara and CNRP youth members San Seihak and Tep Narin to appear for court interviews at the Phnom Penh Municipal Court regarding the 15 July Freedom Park protest. New summonses are issued for CNRP supporter Ouk Pich Samnang to appear before the Phnom Penh Municipal Court on 26 August. CNRP youth members San Seihak and Tep Narin are summoned to appear on 27 August and Meach Sovannara on 1 September. ¹³

21 August – CNRP MP Ho Vann confirms that CNRP supporter Ouk Pich Samnang will appear before the Phnom Penh Municipal Court on 26 August. A new summons is issued for CNRP youth member An Batham to appear at court on the same day. ¹⁴

22 August – The three CNRP youth leaders arrested on 2 August – Khin Chamreun, San Kimheng, and Neang Sokhun – are granted bail and provisional release under judicial supervision. ¹⁵

29 September – CNRP district council member Sum Puthy is arrested in relation to the 15 July Freedom Park protest, and charged with intentional violence with aggravating circumstances (Criminal Code Article 218), participating in an insurrectional movement (Criminal Code Articles 456 and 457), and obstruction of a public official with aggravating circumstances (Criminal Code Article 504). He is sent to Prey Sar Prison for pre-trial detention, making him the twelfth CNRP official to be arrested in relation to the 15 July Freedom Park protest. ¹⁶

24 October – CNRP supporter Ouk Pich Samnang is arrested four days after being beaten during a protest near Prime Minister Hun Sen’s house on 20 October. He is charged with intentional violence with aggravating circumstances (Criminal Code Article 218), participating in an insurrectional movement (Criminal Code Articles 456 and 457), and obstruction of a public official with aggravating circumstances (Criminal Code Article 504) in relation to the 15 July Freedom Park protest, and also charged with intentional violence with aggravating circumstances (Criminal Code Article 218), intentional property damage with aggravating circumstances (Criminal Code Article 411), obstruction of public officials (Criminal Code Article 503) and participation in criminal association (Criminal Code Article 499) over the 20 October protest. ¹⁷

11 November – CNRP National Assembly candidate Meach Sovannara is arrested by authorities in Phnom Penh and charged with instigating aggravated intentional violence (Criminal Code Articles 28 and 218), inciting the commission of a felony (Criminal Code Article 495), and leading an insurrectional movement (Criminal Code Article 459). Ke Khim, a tuk tuk driver and CNRP supporter who transported flags on the day of the Freedom Park violence, is also arrested and detained. ¹⁸

13 November – CNRP youth member Tep Narin is arrested after failing to report at a local Phnom Penh police station, after previously having been required to present himself to police once every two weeks while under judicial supervision. ¹⁹

2015

21 July – 11 officials and supporters of the CNRP are convicted for insurrection and sentenced to between seven and 20 years in prison; they are taken to CCI/Prey Sar prison immediately after. CNRP National Assembly candidate Meach Sovannara, CNRP Public Affairs Department Official Ouern Narith, and Chief of Phnom Penh’s CNRP Youths Movement Khin Chamreun are convicted of participating in and leading an insurrectional movement (Criminal Code Articles 456, 457, and 459) and sentenced to 20 years in prison. Eight others – district council member Sum Puthy; district youth leaders Neang Sokhun and San Kimheng; youth members Tep Narin, San Seihak, and An Batham; and CNRP supporters Ouk Pich Samnang and Ke Khim – are convicted of participating in an insurrectional movement (Criminal Code Articles 456 and 457) and sentenced to seven years in prison. ²⁰

August – Prime Minister Hun Sen threatens that new summons could be issued against the CNRP MPs who were charged but not brought to trial in relation to the July 2014 Freedom Park protest, and that parliamentary immunity would not protect them. ²¹

4 August – Arrest warrants are issued by the Phnom Penh Municipal Court for five more people related to the July 2014 Freedom Park protest, including CNRP activists Yea Thong, Yun Kimhour and Roewn Chetra, who are subsequently arrested and charged with participation in an insurrectional movement, intentional violence, and incitement to commit a felony. ²²

2016

8 April – The lawyer for CNRP National Assembly candidate Meach Sovannara files a lawsuit in the United States against Prime Minister Hun Sen’s son, Hun Manet, accusing him of unlawful imprisonment, torture, terrorism and other crimes in relation to Meach Sovannara’s arrest and conviction. ²³

13 June – Three CNRP activists – Yea Thong, Roewn Chetra and Yun Kimhour – are convicted and sentenced to seven years in prison by the Phnom Penh Municipal Court on charges of participating in an insurrectional movement (Articles 456 and 457 of the Criminal Code) after being arrested in August 2015 in relation to the July 2014 Freedom Park protests. ²⁴

1 September – The Central District Court of California rules that it has jurisdiction in the case filed by CNRP National Assembly candidate Meach Sovannara and lawyer Morton Sklar against Prime Minister’s Hun Sen’s son, Hun Manet. ²⁵

2017

23 February – CNRP National Assembly candidate Meach Sovannara resigns from the CNRP after the National Assembly passes controversial amendments to the Law on Political Parties. ²⁶

Updated March 2017

¹ Phnom Penh Post, “Make park free again, urges CNRP,” 14 July 2014, <http://www.phnompenhpost.com/national/make-park-free-again-urges-cnrp>

² LICADHO, “Freedom Park Violence, CNRP Arrests, and Political Deal: Timeline of Events July 14 – November 28, 2014,” Accessed: 8 March 2017, www.licadho-cambodia.org/reports/files/2017LICADHOBriefTimelineJuly15Violence2014-English.pdf.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Cambodia Daily, “Lawmakers to take oath,” 5 August 2014, <http://www.phnompenhpost.com/national/lawmakers-take-oath>.

¹¹ LICADHO, “Freedom Park Violence, CNRP Arrests, and Political Deal: Timeline of Events July 14 – November 28, 2014,” Accessed: 8 March 2017, www.licadho-cambodia.org/reports/files/2017LICADHOBriefTimelineJuly15Violence2014-English.pdf.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ LICADHO, “LICADHO condemns the conviction and sentencing of 11 CNRP officials and supporters,” Accessed: 8 March 2017, <http://www.licadho-cambodia.org/pressrelease.php?perm=589>.

²¹ Phnom Penh Post, “Vanishing act: Immunity is often eternal,” 14 August 2015, <http://www.phnompenhpost.com/national/vanish-act-immunity-often-eternal>.

²² LICADHO, “Briefing: Timeline of harassment of opposition MPs, members, and supporters,” Accessed: 10 March 2017, <http://www.licadho-cambodia.org/reports.php?perm=215>.

²³ US News/Associated Press, “California man suing over his 20-year Cambodian prison term,” 11 April 2016, <http://www.usnews.com/news/us/articles/2016-04-11/california-man-suing-over-his-20-year-cambodian-prison-term>.

²⁴ LICADHO, “Flash News: CNRP Youth Members Convicted, Sentenced to Seven Years’ Imprisonment,” Accessed: 8 March 2017, <http://www.licadho-cambodia.org/flashnews.php?perm=176>.

²⁵ Radio Free Asia, “Meach Sovannara Wins The First Legal Round in U.S. Case Against Hun Manet,” 1 September 2016, <http://www.rfa.org/english/news/cambodia/meach-sovannara-wins-09012016175604.html>.

²⁶ Cambodia Daily, “Jailed Opposition Members Quit Over New Law,” 24 February 2017, <https://www.cambodiadaily.com/second/jailed-opposition-members-quit-new-law-125795/>.