

**Fact Sheet:** Case Study Series: Sahmakum Teang Tnaut (“STT”)

**Snapshot:** The suspension of STT is widely seen as part of a wider crackdown on non-governmental organizations (“NGOs”) in Cambodia and is viewed as evidence of how the Royal Government of Cambodia (“RGC”) is likely to apply the draft Law on Associations and NGOs (“LANGO”).

**Introduction**

“Today the future of Cambodian democracy is at a crossroads” was how 40 Cambodian and international NGOs who issued a joint statement described the suspension of STT a Cambodian NGO on the 11 August 2011. The suspension has been followed by speculation in the media and amongst civil society as to whether the RGC would use the LANGO – if passed in its current, or indeed any, format – as a justification for similar moves against NGOs that are critical of government policy and interests. This factsheet will look at the circumstances surrounding the suspension of STT and examine the legal basis behind it. This factsheet is written by 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.

**Who are STT?**

STT were founded in 2005 with the stated mission of providing pro-poor technical assistance for housing and infrastructure and to inform dialogue and raise awareness about urban issues. At the time of its suspension STT had 13 staff, including two internationals, as well as a number of interns and volunteers and offices in Phnom Penh and Kampot. In recent years, STT has worked predominantly on two high profile development projects which have resulted or will result in the eviction and displacement of thousands of families – the Boeung Kak Lake case, a joint development in Phnom Penh by a Senator from the ruling Cambodian People’s Party and a Chinese company which will affect 4,000 Phnom Penh families; and the Railways Rehabilitation Project, the redevelopment of a rail link between Phnom Penh and Thailand which is also expected to affect 4,000 families. Bridges Across Borders Cambodia (“BABC”) another NGO has worked closely with STT on these projects. The Railways Rehabilitation Project is a major national infrastructure project financed by the Asian Development Bank (“ADB”), the Australian Government’s Overseas Aid Programme (“AusAid”) and the RGC.

**Why were STT suspended?**

STT were suspended for a period of five months beginning on 1 August 2011 by the Ministry of Interior (“MoI”). This came less than a month after STT released a report – on 4 July 2011 – titled “Rehabilitation of Cambodia’s Railways: Comparison of Field Data” which reported findings of “systematic downgrading of structure types leading to lower compensation rates” owed to home owners affected by the railway rehabilitation as well as “a higher number of affected households” than officially reported. The reason given by the MoI in the letter outlining the suspension was a failure on the part of STT to modify their leadership structure and revise their statutes as directed by the MoI at a meeting with STT on 14 July 2011. However, not only did STT do as instructed within the time period set by the MoI, no current law provides any basis for the suspension of STT on the grounds of such a procedural failure. NGOs in Cambodia have since stated that this arbitrary act of suspension reflects the motivation on the part of the RGC to pass the LANGO – a law which commentators say will be used to legitimize such acts against NGOs which criticize the government.

On 13 August, the MoI offered an alternative explanation for the suspension of STT and one which observers suggest is closer to the real motivations for the move against the group. In statements posted on the MoI website on the 13 August 2011 and quoted in *The Cambodia Daily* on the 15 August it was claimed that STT had opposed the rehabilitation of a railway between Cambodia and Thailand and therefore were seeking to hinder the RGC in its efforts to develop the country. The statement asserts that “STT operated and incited people to

oppose national development by the government in Kampot and in Phnom Penh in order to make the development partners suspend or stop the project.” Since incitement is a criminal offence under Article 495 of the Penal Code, this basis for suspension was put across as a matter of criminal misconduct notwithstanding the fact that no judgment on the matter was made by any impartial judicial body.

### **Wider troubles**

On 18 August, the MoI invited BABC and NGO umbrella group, NGO Forum, to a meeting at which they accused both groups of making false and unfair claims in relation to the deaths of two children at a relocation site for families affected by the railway rehabilitation project. The MoI accused the groups of inciting families to oppose the rehabilitation of the Cambodian rail system, ordering the NGOs to “readjust” their work. In addition, MoI provided a similar warning to the Housing Rights Task Force, another umbrella group of NGOs. The MoI’s complaint related to a 21 October 2010 letter sent to the President of ADB, Mr. Haruhiko Kuroda, by STT, BABC, NGO Forum and Housing Rights Taskforce in which the NGOs highlighted problems in the railway project, as well as drawing attention to the deaths of two children at a Battambang resettlement site as well as the site’s lack of basic services.

On the 19 September 2011 the German Press Agency Deutsche Presse-Agentur and the Asian Times online published articles referring to a letter dated 17 June 2011 letter from the Deputy Prime Minister and Minister of Economy and Finance, Keat Chhon to Prime Minister Hun Sen. In the letter, Minister Keat requested that “immediate action” be taken to stop the activities of STT and BABC – who were mentioned by name in the letter – and to “nullify the eligibility of these NGOs.” Minister Keat went on to write: “I would like to request the Council of Ministers to review and implement the draft law on Association and Non-Governmental Organizations in a speedy manner.” This letter was written and sent to the Prime Minister one month before the suspension of STT and the delivery of the draft LANGO to the Council of Ministers. While an article published by *The Phnom Penh Post* on 21 September 2011 states that Prime Minister Hun Sen allegedly approved recommendations from Minister Keat that foreign NGOs should no longer be allowed to do advocacy work in the Kingdom as well as a suggestion that local NGO’s no longer be allowed to have international employees do advocacy work. *The Phnom Penh Post* article also states that the Prime Minister approved a further recommendation that the Council of Ministers speed up the passage and implementation of the LANGO.

### **Conclusion**

The suspension of STT by the MoI is not justified by any law in force in Cambodia and contradicts the Constitution of the Kingdom of Cambodia (“the Constitution”). Article 41 of the Constitution enshrines both freedom of expression and freedom of assembly while Article 42 of the Constitution upholds that all Khmer citizens “will have the right to establish associations and political parties” Article 35 also provides for the right of all Khmer citizens to “participate actively in the political, economic, social and cultural life of the nation”. Furthermore, Article 20 of the Universal Declaration of Human Rights (UDHR) and 22 of the International Covenant of Civil and Political Rights (ICCPR) enshrine freedom of association and Articles 19 of the UDHR and the ICCPR uphold freedom of expression. Both the UDHR and the ICCPR are part of Cambodian Law via Article 31 of the Constitution.

The suspension of STT provides strong evidence that the RGC is willing to crackdown on human rights defenders and civil society organizations in Cambodia that speak out in criticism of the RGC or government policy. As outlined above, the suspension of STT is without any legal basis. It is feared that, if passed, the LANGO would provide the RGC with an appearance of legitimacy for arbitrary acts against such groups.

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