



មជ្ឈមណ្ឌលសិទ្ធិមនុស្សកម្ពុជា
Cambodian Center for Human Rights

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Community Watchdog Handbook Guide for Community Based Activists on Documenting Human Rights Violations



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About the Cambodian Center for Human Rights

The Cambodian Center for Human Rights (“CCHR”) is a leading non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout the Kingdom of Cambodia (“Cambodia”). We are well-known for our success in empowering communities and for our strong and principled voice for human rights. Our vision is of a non-violent Cambodia in which people enjoy their fundamental human rights, are treated equally, empowered to participate in democracy and share the benefits of Cambodia’s development. We desire rule of law rather than impunity; strong institutions rather than strong men; and a society in which diversity is harnessed rather than punished. Our logo – a dove flying in a circle of blue sky – symbolizes Cambodia’s claim for freedom. In order to promote and protect democracy and human rights we empower society to claim its rights and drive change; and through detailed research and analysis we develop innovative policy, and advocate for its implementation. Accordingly, the elements of empowerment and policy development are core to all of our initiatives

Acknowledgement

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Queries and Feedback

Should you have any questions or require any further information about this handbook, or if you would like to give any feedback, please e-mail CCHR at: info@cchrcambodia.org.

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*** Cover page: community activists have a group discussion in a CCHR community training*

*** All photos used in this handbook were taken by staff of CCHR, unless stated otherwise.
The names of people and places used in case studies in this handbook have been changed.*

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I. INTRODUCTION

1.1 About this handbook

This handbook was developed for grass roots activists throughout Cambodia as a guide for documenting human rights violations. The guide seeks to increase evidence-based monitoring and documentation in communities throughout Cambodia. The handbook is designed to supplement training on human rights documentation provided by the CCHR through our Human Rights Network Project and Information Sharing for Evidence-Based Research, Dialogue and Advocacy to Improve Respect for Human Rights in Cambodia “Sithi” Project”.

1.2 Who is this handbook for?

This handbook is for everyone interested in human rights, in fairness and equality. This handbook is for husbands, wives, fathers, mothers, uncles, aunties, sons and daughters. This handbook is for friends and neighbors. This handbook is for monks, students, teachers, tuk-tuk drivers, fishermen, farmers and construction workers. This handbook is for you.

Human rights activists and defenders are not just the people who work for big organizations in Phnom Penh and who visit communities throughout the country to hear about human rights problems. Everyone in your community can be a human rights defender. This means looking for problems in your community and helping your family, neighbors, colleagues and friends.

In order to solve a problem, it must first be recognized. Human Rights Documentation is the way we gather information about violations of human rights. With that information gathered, we can identify ways to solve the problem. This handbook will provide you with information on how to gather information about human rights violations. In other words, this handbook will enable you to be a Community Watchdog – identifying problems that arise in your community and contributing to the resolution of those problems.

Before you read this handbook, it is important to remember that you do not need to have special qualifications to be a human rights defender and a Community Watchdog. Ordinary people all over the world, including in Cambodia, do this every day. You can do it too.

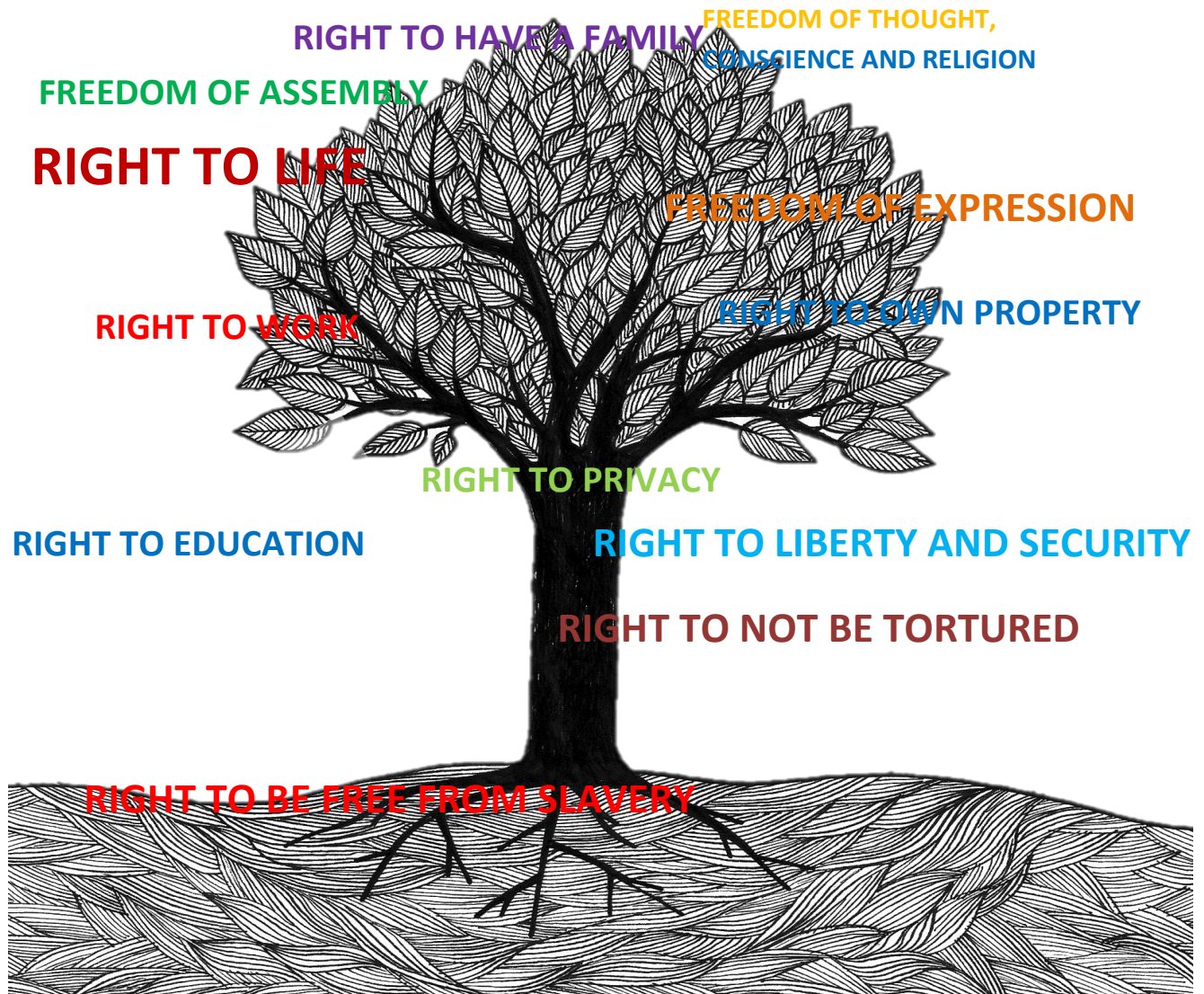


II. HUMAN RIGHTS & THE LAW

2.1 What are Human Rights?

“every human being is born **free** and **equal** in dignity and rights...”


- *Universal Declaration of Human Rights, Article 1*




Human Rights are a set of FUNDAMENTAL RIGHTS and FREEDOMS which enable us to live in DIGNITY, JUSTICE and PEACE with one another. They exist so that we, as individuals and communities, citizens and spiritual human beings can develop to our fullest potential.

You have these rights simply BECAUSE YOU ARE HUMAN. Everybody is entitled to enjoy them WITHOUT BEING DISCRIMINATED AGAINST on the basis of their race, color, gender, age, language, religion, sexual orientation, political opinion, national or social origin, economic status, or any other reason.


2.2 Know Your Rights

<div>សេចក្តីប្រកាស ជាសកលស្តីពីសិទ្ធិមនុស្ស</div> <div>ធ្វើការកែសំរួលឡើងវិញដើម្បីឲ្យមនុស្សរាល់រូបអាចយល់បានងាយស្រួល</div>		<div><div>សេចក្តីប្រកាស ជាសកល ស្តីពីសិទ្ធិមនុស្ស ១៩៤៨ - ២០០៨</div><div>សេចក្តីផ្តើម និង យុត្តិធម៌សំរាប់ជាចម្លងជាសកល</div></div>	
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៦	ច្បាប់ - ច្បាប់ត្រូវសរសេរឲ្យច្បាស់ថា យើងទាំងអស់គ្នាអាចទាមទារសិទ្ធិមនុស្សរបស់យើង តាមរយៈច្បាប់ ហើយគ្មាននរណាម្នាក់ ត្រូវបានបដិសេធចោលនោះទេ។	២៣	ការងារ - យើងទាំងអស់គ្នា គួរតែមានការងារធ្វើ និងអាចជ្រើសរើសការងារដែលយើងចង់ធ្វើដោយសេរី។ យើងត្រូវតែទទួលបានប្រាក់ឈ្នួលគ្រប់គ្រាន់ដើម្បីយើងអាចផ្គត់ផ្គង់គ្រួសារយើងបាន ហើយនៅក្នុងត្រីប្រតិភូមកលើយើងឲ្យបានល្អ។ ប្រសិនបើយើងបាត់បង់ការងារ រដ្ឋាភិបាលគួរតែជួយយើងរហូតដល់យើងអាចរកការងារមួយទៀតបាន។ ប្រុស និងស្រី ធ្វើការដូចគ្នា គួរតែទទួលបានកម្រៃដូចគ្នា។ អ្នកធ្វើការទាំងអស់ អាចរួមគ្នា ដើម្បីការពារផលប្រយោជន៍របស់ពួកគេ។
៧	ច្បាប់ - យើងទាំងអស់គ្នាត្រូវបានការពារដោយច្បាប់ តាមវិធីដូចគ្នាដូចអ្នកដទៃទៀតដែរ។ ច្បាប់គួរតែដូចគ្នា សំរាប់យើងទាំងអស់គ្នា ហើយគួរត្រូវយកមកអនុវត្តស្មើគ្នា ចំពោះមនុស្សរាល់រូប។	២៤	ការឈប់សំរាក - ម៉ោងធ្វើការក្នុងមួយថ្ងៃ មិនគួរយូរពេកទេ ដោយសារយើងទាំងអស់គ្នា មានសិទ្ធិឈប់សំរាក និងគួរទទួលបានប្រាក់កំរៃរៀងរាល់ថ្ងៃសំរាប់ការឈប់សំរាកនេះ។
៨	ច្បាប់ - យើងទាំងអស់គ្នា អាចសុំការជួយពីអ្នកដទៃដែលចេះច្បាប់ នៅពេលដែលសិទ្ធិតាមច្បាប់របស់យើងមិនត្រូវបានគោរព។	២៥	ការរួមការងារជាដាច់ខាត - យើងទាំងអស់គ្នា គួរតែមានសិទ្ធិគ្រប់គ្រាន់តាមការចាំបាច់របស់យើង និងគ្រួសារយើង ដូចជាសេវាសុខភាព អាហារគ្រប់គ្រាន់ សំបុត្រកំរៃបំណុល និងផ្ទះសំបែង។ យើងគួរតែត្រូវបានទទួលបានការជួយឧបត្ថម្ភប្រសិនបើយើងគ្មានការងារធ្វើ មានជំងឺ ចាស់ជរា ឬស្លាប់ ឬប្រសិនបើយើងគ្មានលទ្ធភាពចិញ្ចឹមជីវិត ដោយសារអស់ជំងឺសា មាត់ និងទារក គួរតែទទួលបានការគាំពារពីសេស។ កុមារទាំងអស់ គួរតែត្រូវបានទទួលបានការរាប់អានដោយស្មើគ្នា ដោយមិនគិតថាឪពុក ម្តាយរបស់ពួកគេបានរៀបការត្រឹមត្រូវ ឬមិនបានរៀបការនោះទេ។
៩	ច្បាប់ - ប្រសិនបើមាននរណាម្នាក់ចោទយើងថាបំពានច្បាប់ បញ្ហានេះត្រូវលើកយកទៅកាត់សេចក្តីនៅក្នុងសវនាការមួយ ដែលមានអ្នកដទៃផ្សេងទៀត ចូលរួមស្តាប់។ អ្នកកាត់សេចក្តី មិនគួរឲ្យអ្នកដទៃមកបង្គាប់បញ្ជាទេ គាត់គួរតែសម្រេចអ្វីដែលជាតារាង និងការមិនពិតតែប៉ុណ្ណោះ។	២៦	ការអប់រំ - យើងទាំងអស់គ្នាអាចទទួលបានការរៀនសូត្រ ហើយជាពិសេសគេរួមគ្នាគួរតែទៅសាលារៀន។ គ្មាននរណាម្នាក់ត្រូវបានបង្ខំឲ្យទៅរៀននៅថ្នាក់បឋមសិក្សានោះទេ។ យើងទាំងអស់គ្នា អាចរៀនយកជំនាញណាមួយ ឬក៏បន្តការសិក្សាកាន់តែខ្ពស់ តាមបំណងចិត្តផ្ទាល់។ នៅសាលា យើងអាចចូលរួមក្នុងការសិក្សារបស់យើង ហើយគួរតែរៀនពីសិទ្ធិមនុស្ស និងពីរបៀបក្នុងការរាប់រកគ្នាជាមួយអ្នកដទៃ ទោះជាគេមានពណ៌សម្បុរ សាសនា ឬមកពីប្រទេសផ្សេងទៀតក៏ដោយ។
១០	យុត្តិធម៌ - ប្រសិនបើយើងត្រូវជាប់ចោទពីបទល្មើសប្រហុយណាមួយ យើងត្រូវបានចាត់ទុកថា ជាមនុស្សគ្មានទោស រហូតទាល់តែមានភស្តុតាងបង្ហាញនៅក្នុងសវនាការមួយ ក្របខ័ណ្ឌយុត្តិធម៌ យើងមានកិច្ចសន្យា។ យើងម្នាក់ៗត្រូវបានអនុញ្ញាតឲ្យការពារខ្លួន ដោយខ្លួនឯង។ គ្មាននរណាម្នាក់អាចចោលទោសយើង ដោយការសម្រេចចិត្តផ្ទាល់ផ្ទាល់ ដែលយើងមិនបានធ្វើនោះទេ។	២៧	ឧបត្ថម្ភ - យើងទាំងអស់គ្នាអាចចូលរួមក្នុងជីវភាពប្រចាំថ្ងៃជាមួយសាធារណៈ ទទួលបានផលពីសិទ្ធិ និងទទួលបានគុណប្រយោជន៍ពីបេតិកភណ្ឌវិញ្ញាប័ត្រ ពីវិទ្យាសាស្ត្រ និងស្នាដៃដែលយើងបានធ្វើ។ ប្រសិនបើយើងបង្កើតស្នាដៃអ្វីមួយ យើងអាចជាសាសនាស្នាដៃក្រៅ ឬគ្រូគន្លឹះ យើងនឹងទទួលបានប្រយោជន៍ពីស្នាដៃ ទាំងនេះ ហើយគ្មាននរណាម្នាក់អាចលួចនិក្ខណ្ឌដែលយើងបានធ្វើឡើយ។
១១	យុត្តិធម៌ - ប្រសិនបើយើងត្រូវជាប់ចោទពីបទល្មើសប្រហុយណាមួយ យើងត្រូវបានចាត់ទុកថា ជាមនុស្សគ្មានទោស រហូតទាល់តែមានភស្តុតាងបង្ហាញនៅក្នុងសវនាការមួយ ក្របខ័ណ្ឌយុត្តិធម៌ យើងមានកិច្ចសន្យា។ យើងម្នាក់ៗត្រូវបានអនុញ្ញាតឲ្យការពារខ្លួន ដោយខ្លួនឯង។ គ្មាននរណាម្នាក់អាចចោលទោសយើង ដោយការសម្រេចចិត្តផ្ទាល់ផ្ទាល់ ដែលយើងមិនបានធ្វើនោះទេ។	២៨	សិទ្ធិសាត - ដូច្នេះ នៅពេលណាយើងទទួលបានសិទ្ធិដូចដែលយើងបានអានកន្លងមកនៅ ក្នុងសេចក្តីប្រកាសនេះ មនុស្សទាំងអស់ និងអ្នកដទៃនៅក្នុងសង្គម ទាំងនៅក្នុងសហគមន៍របស់យើង ទាំងរវាងប្រទេសមួយទៅប្រទេសមួយ។
១២	ការពងក្រីក្រ (ឡឺឡូឡូឡូ) - គ្មាននរណាម្នាក់ ត្រូវបានអនុញ្ញាតឲ្យនិយាយសំអុយ ឬរៀងមិនពិតអំពីយើង ចូលរួមយើង បើករើសសិទ្ធិរបស់យើង ឬក៏មករំខានយើង ឬគ្រួសារយើង ដោយគ្មានហេតុផលសមរម្យនោះទេ។	២៩	សហគមន៍ - យើងទាំងអស់គ្នា អាចចូលរួមចំណែកក្នុងសហគមន៍ដើម្បីធ្វើឲ្យជីវិតយើង កាន់តែប្រសើរ។ ច្បាប់ត្រូវតែសរសេរឲ្យបានច្បាស់ថា យើងទាំងអស់គ្នា អាចទទួលបានសិទ្ធិមនុស្ស ដោយសុខដុមរម្យនាជាមួយអ្នកដទៃ។ ច្បាប់ត្រូវតែមានឲ្យមនុស្សគ្រប់រូបចេះគោរពគ្នាទៅវិញទៅមក ហើយមនុស្សគ្រប់រូប ត្រូវគោរពច្បាប់។
១៣	ការដើរហើរ - យើងទាំងអស់គ្នា អាចដើរហើរនៅក្នុងប្រទេសរបស់យើង ដោយសេរី។ យើងក៏អាចចេញទៅប្រទេសក្រៅណាមួយ និងវិលមកប្រទេសយើងវិញបានដែរ ដោយគ្មានការបង្ខំ។	៣០	គ្មាននរណាម្នាក់ អាចប្រើសេចក្តីប្រកាសនេះ ដើម្បីនិយាយដោះសារពីការធ្វើឲ្យខូចខាត ដល់សិទ្ធិរបស់អ្នកដទៃ ថាជាការត្រឹមត្រូវ ដោយអះអាងថា ពួកគេគ្រាន់តែព្យាយាមចង់ការពារសិទ្ធិការពាររបស់ខ្លួនតែប៉ុណ្ណោះ។ មិនអាចទទួលយកបានទេ ចំពោះការធ្វើឲ្យខូចខាតដល់សិទ្ធិអ្នកដទៃ។
១៤	ជនរងគ្រោះ - ប្រសិនបើមាននរណាម្នាក់ព្យាយាមធ្វើបាបយើង យើងអាចរត់ទៅប្រទេសមួយទៀត ដើម្បីសុំឲ្យគេការពារ។ ក៏ប៉ុន្តែ យើងមិនអាចរត់គេបានទេ ប្រសិនបើខ្លួនយើងផ្ទាល់បានធ្វើអ្វីខុស ដូចជាធ្វើឲ្យអ្នកដទៃដល់អ្នកដទៃ ឬមិនគោរពសិទ្ធិមនុស្សជាដើម។	៣១	
១៥	សញ្ជាតិ - យើងទាំងអស់គ្នាគួរតែទទួលបានសញ្ជាតិមួយ។ គ្មាននរណាម្នាក់អាចរំលង យើងមិនឲ្យមានសញ្ជាតិពីប្រទេសរបស់យើង ឬសញ្ជាតិពីប្រទេសផ្សេងទៀត ដែលយើងចង់បាន ដោយគ្មានហេតុផលសមរម្យឡើយ។	៣២	
១៦	ការពារជីវិត - នៅពេលណាដែលយើងដល់អាយុគ្រប់គ្រាន់ យើងអាចរៀបការ និងរកស៊ីគ្រួសារមួយបាន។ គ្មាននរណាម្នាក់ អាចហាមឃាត់មិនឲ្យយើងរៀបការ ដោយសារតែពណ៌សម្បុរ ប្រទេសកំណើត ឬសាសនារបស់យើងឡើយ។ បុរស និងស្ត្រីមានសិទ្ធិដូចគ្នា នៅពេលដែលពួកគេរៀបការ និងនៅពេលដែលគេលែងលះគ្នា។	៣៣	
១៧	ឧត្តរាសម្បត្តិ - យើងទាំងអស់គ្នា មានសិទ្ធិធ្វើជាម្ចាស់កម្មសិទ្ធិលើ ទ្រព្យសម្បត្តិទាំងឡាយរបស់យើង ហើយគ្មាននរណាម្នាក់មានសិទ្ធិយកទ្រព្យសម្បត្តិយើងដោយគ្មានហេតុផល សមរម្យនោះទេ។	៣៤	



យើងកំពុងប្រារព្ធទិវ ៦០ នៃសេចក្តីប្រកាសជាសកលស្តីពីសិទ្ធិមនុស្ស ក្នុងឆ្នាំ២០០៨ នេះ។ នៅក្នុងសេចក្តីប្រកាសនេះ ប្រទេសទាំងអស់នៅលើពិភពលោក បានរួមគ្នា ហើយបានយល់ព្រមលើបញ្ហាសំខាន់ៗជាច្រើន ដែលយើងទាំងអស់គ្នាត្រូវការ និងគួរតែមាន ដែលស្តីពីសិទ្ធិរបស់មនុស្ស ទាំងអស់គ្នា។ អ្វីទាំងអស់នេះ ដែលធ្វើឲ្យយើងរីករាយ ហៅថាសិទ្ធិមនុស្សរបស់យើង។ សិទ្ធិទាំងនេះគឺជាបេសកកម្មយើងទាំងអស់គ្នា ពីព្រោះយើងគឺជាមនុស្ស។ សេចក្តីប្រកាសជាសកលស្តីពីសិទ្ធិមនុស្ស គឺមានលក្ខណៈពិសេសសំរាប់នៅប្រទេសកម្ពុជា ដោយសារតែវាត្រូវបានការពារដោយរដ្ឋធម្មនុញ្ញ។ នេះមានន័យថា យើងទាំងអស់គ្នានៅកម្ពុជា គួរតែមានសិទ្ធិមនុស្សជាមួយគ្នា។ សេចក្តីប្រកាសពិភពលោកនេះ ប្រើការដែលក្រោមការពារកាន់តែជិតស្និទ្ធក្នុងការរស់។ នេះគឺជាអត្ថបទ ដែលធ្វើការកែសំរួលពីខ្លឹមសារដើមមកជាពាក្យសំរាយឲ្យយើងទាំងអស់គ្នាយល់។

នេះជាការបកប្រែក្រៅផ្លូវការ។ នេះមិនមែនជាអត្ថបទផ្លូវការរបស់សហប្រជាជាតិទេ។ នេះជាអត្ថបទតែសម្រួលដោយកិច្ចសន្យាជាមួយការអង្គការសហប្រជាជាតិ និងទទួលបន្ទុកសិទ្ធិមនុស្ស - ការិយាល័យប្រចាំនៅកម្ពុជា - ក្នុងឱកាសខួប៦០នៃសេចក្តីប្រកាសជាសកលស្តីពី សិទ្ធិមនុស្ស និងខួប១៩៩៨ នៃរដ្ឋធម្មនុញ្ញកម្ពុជា - ខែសីហា ឆ្នាំ២០០៨ - អត្ថបទនេះមិនមែនសំរាប់លក់ទេ។



អង្គការសហប្រជាជាតិ
សិទ្ធិមនុស្ស
ការិយាល័យខេត្តកម្ពុជាការពន្ធនាគារ
សិទ្ធិមនុស្ស ការិយាល័យប្រចាំនៅកម្ពុជា



យើងកំពុងប្រារព្ធទិវា ៦០ នៃសេចក្តីប្រកាសជាសកលស្តីពីសិទ្ធិមនុស្ស ក្នុងឆ្នាំ២០០៨ នេះ។ នៅក្នុងសេចក្តីប្រកាសនេះ ប្រទេសទាំងអស់នៅលើពិភពលោក បានរួមគ្នា ហើយបានយល់ព្រមលើបញ្ហាសំខាន់ៗជាច្រើន ដែលយើងទាំងអស់គ្នាត្រូវការ និងគួរតែមាន ដែលធ្វើឲ្យយើងសប្បាយរីករាយ នៅក្នុងនាគរដ្ឋាភិបាល។ អ្វីទាំងអស់នេះ ដែលធ្វើឲ្យយើងរីករាយ ហៅថាសិទ្ធិមនុស្សរបស់យើង។ សិទ្ធិទាំងនេះគឺជាបេសកកម្ម យើងទាំងអស់គ្នា ពិសេសយើងគឺជាមនុស្ស។ សេចក្តីប្រកាសជាសកលស្តីពីសិទ្ធិមនុស្ស គឺមានលក្ខណៈពិសេសណាស់នៅប្រទេសកម្ពុជា ដោយសារតែវាត្រូវបានការពារដោយរដ្ឋធម្មនុញ្ញ។ នេះមានន័យថា យើងទាំងអស់គ្នានៅកម្ពុជា គួរតែមានសិទ្ធិមនុស្សជាមួយគ្នា។ សេចក្តីប្រកាសពិតប្រាកដ ប្រើពាក្យដែលមកពីភាពច្រើនពិបាកយល់។ នេះគឺជាអត្ថបទ ដែលធ្វើការកែសំរួលស្តីពីសិទ្ធិមនុស្សដើមមកជាពាក្យសំរាប់ឲ្យយើងទាំងអស់គ្នាងាយស្រួល។



អង្គការសហប្រជាជាតិ
សិទ្ធិមនុស្ស
កងចក្រយោធានៃអង្គការសហប្រជាជាតិ
សិទ្ធិមនុស្ស - ការយល់ដឹងប្រចាំអង្គការ

នេះជាការបកប្រែប្រែក្រាហ្វិក។ នេះមិនមែនជាអត្ថបទផ្លូវការរបស់សហប្រជាជាតិទេ។ នេះជាអត្ថបទកែសម្រួលដោយការិយាល័យឧត្តមស្តង់ដារការសហប្រជាជាតិ និងទទួលបានសិទ្ធិមនុស្ស - ការិយាល័យប្រចាំនៅកម្ពុជា - ក្នុងឱកាសខួបទី៦០នៃសេចក្តីប្រកាសជាសកលស្តីពីសិទ្ធិមនុស្ស និងខួបទី១៥ នៃរដ្ឋធម្មនុញ្ញកម្ពុជា - ខែសីហា ឆ្នាំ២០០៨ - អត្ថបទនេះមិនមែនសំរាប់លក់ទេ។

2.3 Understanding the Law

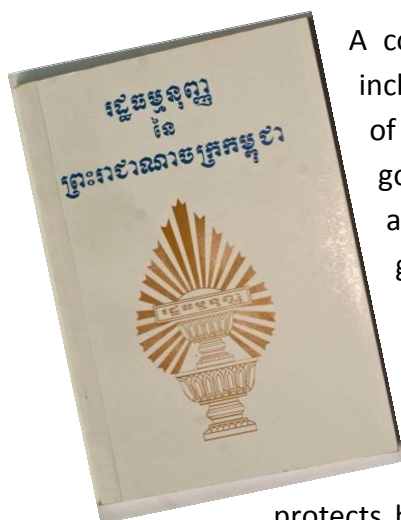
WHAT IS LAW?

A law is a rule of behavior and principle that exists for the benefit of citizens. Laws are intended to help society to function peacefully, to set standards of conduct, provide a basis for the resolution of conflicts and protect people from harm. All laws should uphold the basic principles of human rights. Laws should apply to everyone equally, should be clearly written and easy to understand and follow.

WHAT ARE HUMAN RIGHTS?

Human rights are the “basic rights and freedoms that all people are entitled to regardless of nationality, sex, age, national or ethnic origin, race, religion, language, or other status.” You have human rights simply because you are human. Human rights are universal and apply equally to all people. The rights of one individual are not more important than another individual and one person cannot violate the rights of another because he is richer, bigger, stronger or more powerful. Importantly, human rights are set out in and protected by the law. Importantly, human rights are protected by the Constitution and are therefore part of the primary rules of Cambodia. In other words, other laws cannot be used to violate human rights.

THE CONSTITUTION OF THE KINGDOM OF CAMBODIA



A constitution is a set of laws that govern a country. These rules include rules about the organization of the government, the creation of courts, the authority of kings, prime ministers, as well as government institutions. A constitution should also include rules about how people can be treated by each other and by the government.

Cambodia has a written constitution. That is to say, that the primary rules which set out how Cambodia should work, are written in a single document – the Constitution of the Kingdom of Cambodia. The Constitution of the Kingdom of Cambodia protects human rights. The laws set out in the Constitution are the most important laws. Other laws cannot clash with the laws set out in the Constitution.

INTERNATIONAL LAW

Every country creates the laws – including the constitutions – that regulate day-to-day affairs in that country. The international community – that is the community of all countries in the world – also creates laws. These laws are international laws. International laws govern many things – including relations between countries and how countries interact and treat each other. International laws take many forms, including treaties and conventions. These documents are like agreements or contracts between countries which include promises about how each country that signs them will behave.

HOW ARE HUMAN RIGHTS PROTECTED?

Human Rights are protected in Cambodian and international law.

Human rights in Cambodian Law

Chapter Three of the Constitution sets out the human rights of Khmer citizens. Chapter Three contains twenty articles in all. The first article in Chapter Three, Article 31, provides:

“Every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status. The exercise of personal rights and freedom by any individual shall not adversely affect the rights and freedom of others.”

This is a very important Article. In ordinary language, it means that every Khmer person must be treated equally under the law – by the courts, by the government and by the local authorities. It does not matter if you are a man or woman, rich or poor, strong or weak, you are the same before the law as every other Khmer citizen. Importantly, the second sentence above means that no person shall use his/her human rights in a way that makes the rights of another person suffer.

The other articles in Chapter Three provide more information about specific human rights that all Khmer persons have under the Constitution. These include – but are not limited to – the following:

- The right to vote (Article 34);
- The right to work (Article 36);
- The right to demonstrate (Article 37);
- The right to travel (Article 40); and
- The right to own land (Article 44)

Human Rights in international law

Human rights of all individuals in all countries are included in international law. The Universal Declaration of Human Rights was the first document to set out the human rights of all people in the world. Two other documents which came later – the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights – provide more information about the rights set out in the Universal Declaration of Human Rights. These documents make up – for the most part – the International Bill of Rights.



Cambodia has signed and ratified the International Covenants and has therefore promised to respect all the human rights set out in those documents. In addition, the Constitution of the Kingdom of Cambodia says that Cambodia will recognize and respect the human rights set out in International Law – including in the

Universal Declaration of Human Rights and the two international covenants.

Article 31 states, as follows:

“The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human rights, the covenants and conventions related to human rights, women’s and children’s rights.”

This is an important provision which makes international standards of human rights part of the Constitution. In other words, the Universal Declaration of Human Rights and the International Covenants, as well as other international treaties and conventions that protect human rights, are part of the most important law in Cambodia and cannot be undermined by other laws.

ARTICLE 31 OF THE CAMBODIAN CONSTITUTION:

“The Kingdom of Cambodia shall recognize and respect human rights...

Every Khmer citizen shall be... enjoying the same rights, freedom and fulfilling the same obligations...

The exercise of personal rights and freedoms by any individual shall not adversely affect the rights and freedom of others...”

How do human rights in Cambodian and International law relate to each other?

International Law – including the Universal Declaration of Human Rights – provides for the human rights of all people. The Constitution of the Kingdom of Cambodia sets out the rights of Khmer citizens. These rights should not conflict with each other. The rights set out in the Universal Declaration of Human Rights are the very minimum rights owed to each individual. Documents like the Constitution should add to the level of protection for human rights set out in the Universal Declaration. Any additional laws should provide more protection still and cannot undermine the rights set out in the Universal Declaration and the Constitution.

2.4 Rights and Responsibility

As set out above, human rights are owed to individuals. You have human rights simply because you are human. Each right set out in Cambodian and international law is owed to you.

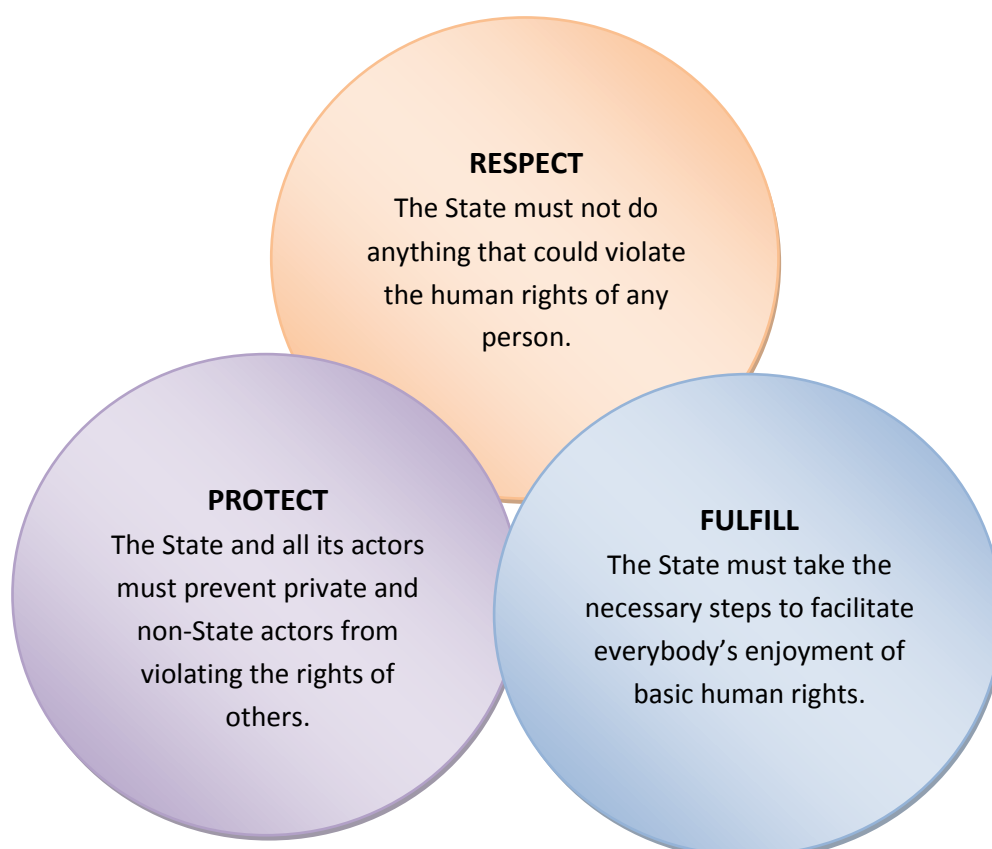
There are some rights which are owed to groups collectively. For example, in Cambodia, indigenous people have the right to own land collectively. However, these rights are often not fully respected in practice.

Individuals – individually and together with others – also have the responsibility to respect the rights of others – as set out in Article 31 of the Constitution.

The state is responsible for ensuring that the rights of all citizens are respected, protected and fulfilled. The state is the government and all public institutions as well as all individuals who work for the government and for state institutions. The role of the state under human rights law reflects the fact that the state – the government and public institutions – exist for the people. State institutions and individuals who hold public offices – such as members of the government – work for the people. These individuals should never use their position in the government or in state institutions for personal profit or gain rather they must work to improve the lives of citizens.

State Obligations

Under international human rights law the Cambodian government has 3 obligations to all Khmer citizens – to respect, protect and fulfill human rights.



Respect: The duty to respect human rights of all citizens is created because the acts of a state – the government or others working in an official capacity – can sometimes have an effect on the lives of ordinary people. For example, in order to provide the country with adequate infrastructure, the government must build roads throughout the country. As a result of this activity, some people may have to leave their homes because they lie on land that will be used for the road. The person who owns that land however has the right – in Cambodian and international – to own property. This occurs in every country. Under the duty to respect human rights, the government must ensure that that person’s right to property is not violated by the building of the road or a building for a government ministry. As every country needs roads, the government can ensure that that person’s right is not violated by providing the person with

“fair and just compensation” before he or she is asked to leave his or her home.



Protect: The state – the government and public institutions – exists for the people. This means that the state has a duty to protect all citizens. As discussed above, all citizens have a duty to respect the rights of others. However, the primary duty bearer in human rights terms is the state. In instances where private individuals or companies act in such a manner, or

fail to act in such a manner, that effects the rights of others, those private individuals or companies may be guilty of a crime. In human rights terms however, it is the duty of the state to ensure that redress and resolution is provided to those whose rights have been affected by the acts or omissions of the private individuals or companies. In other words, while the damage to the citizen or citizens whose rights have been violated may have been caused by a private individual or company, the state is responsible for protecting those rights and is under a duty both to end the damage to the citizen(s) and to provide some remedial measures – such as compensation for the citizen whose rights have been affected or criminal prosecution of the private individual or company responsible.

A good example of the role of the state under its duty to protect is of a factory that does not pay its workers enough money. A factory is a private business – and is not part of the government. Everyone has the right to work but also to be paid fairly for the work that they do. Under the duty to protect, the government must ensure by passing laws or prosecuting factory owners in the courts, that the private individuals and companies that run factories pay their workers enough money and that citizens – in this case the workers – who



have not been treated fairly and whose rights have therefore been violated have access to some remedy. In such an instance, a court can order the factory owner to pay the wages that have not been paid but also, depending on the circumstances of the case, convict the factory owner if he is guilty of a crime.

Fulfill: It is not enough simply for a government to ensure that public officials and state institutions as well as private individuals and companies do not violate the human rights of citizens. The government must actively seek to ensure that all citizens can enjoy their rights. A good example here is the provision of health and education. All citizens have the right to health and the right to education. This does not mean just that the government or state institutions or indeed private companies or individuals cannot stop people from studying or from going to see the doctor. The government has positive obligations under the duty to fulfill to take steps to ensure that all Khmer citizens have access to education and health facilities for when they get sick. This includes obligations to build schools, train teachers and provide books and obligations to build hospitals, train doctors and nurses and provide medicine and other health facilities and services.

Positive and negative obligations

The duties set out above – protect, respect and fulfill – can be divided into two categories according to the type of action required of the government, negative and positive obligations. The use of the language negative and positive in this context has nothing to do with good or bad, it simply refers to whether or not an obligation requires an act (positive obligation) or requires the state to NOT act (negative obligation). A negative human rights obligation requires the state to NOT do something. The duty to respect is a negative obligation because it requires the state to NOT violate the human rights of a citizen or citizens. The other two obligations – the duties to protect and fulfill –are positive obligations because they require the state TO act. In the example provided above under the categories protect and fulfill the state is required to act: to pass laws, to prosecute violators, to provide compensation and to provide health and education services.

Human Rights Violations

Despite their obligations under international human rights law and domestic laws, many countries have poor human rights records because their governments fail to fulfill their obligations.

Human rights violations occur when state institutions fail to carry out their duties to respect, protect and/or fulfill the right or rights of a citizen or citizens. A violation can occur as a result of the state doing something that violates human rights of a citizen or citizens – an act of commission – or where the state fails to do something to protect and fulfill the rights of an individual or group of individuals – an omission.

Human rights violations are defined as the **failure of the state** to comply with its obligations to **respect, protect and fulfill**.

A violation can occur as a result of an **act of commission** or an **omission** on the part of an individual or institution with official capacity to act on behalf of **the state**.

Examples of acts of commission and omissions are provided below.

Act of commission

An act of commission actually involves someone doing something. In human rights terms, where the state is concerned, an act of commission involves the state – or an institution or



Armed Cambodian Police Officers

individual with official capacity – doing something that violates the rights of an individual or a group of individuals. This is the classic example of a human rights abuse. Article 38 of the Constitution provides that “the law guarantees there shall be no physical abuse any individual” whereas Article 37 provides for the right to take part in a non-violent demonstration. If an individual who is taking part in a non-violent demonstration is beaten by a police officer, a violation of the above mentioned rights as

set out in Articles 37 and 38 has occurred. Hitting someone is an act of commission, it involves an action. A policeman is a representative of the state whose duty is to the people. In these circumstances, a human rights violation has occurred as a result of an act of commission. The duty of a police officer to NOT hit the citizen taking part in a non-violent demonstration is a negative obligation because it requires the police officer to NOT do something.

Omission

An omission is a failure to act as required by law. A human rights violation that occurs as a result of an omission is the result of the state failing to satisfy positive obligations – as set out above. In other words, such a violation occurs when the state does not do something that it should have done. In terms of the obligation to protect, this could occur where the state fails to prosecute an individual who has stolen land from another. The duty to fulfill is also violated by omission, for example where the state fails to act to provide access to health or education.

Violations by act of commission and omission

A human rights violation or a series of violations can occur as a result of a combination of acts of commission and



omissions. For example, if land is stolen from a citizen a violation has occurred as a result of an act of commission. Where that person cannot bring a complaint to the court because, for example, the judge is the uncle of the person who stole the land and refuses to hear the case, another violation has occurred as a result of a failure to act – an omission.

Human rights violations and non-state actors

As mentioned above, Article 31 provides that all individuals shall respect the human rights of others. A human rights violation can occur as a result of the act of commission or an omission by a private individual or company. In the example offered above, the factory worker is not being paid a fair and adequate wage is suffering as a result of an omission – in this case a failure to pay according to the individual in question in accordance with the Labor Law – by the private individual or company who owns and runs the factory. There is an important distinction to draw here however. While the private individual or company is under a duty to respect the rights of the factory worker, it is the duty of the state to ensure that the factory worker has a way to end the violation, to get compensation and to seek action against the person responsible for the violation of his/her rights.

In a situation where a human rights violation has resulted initially from an act of commission or an omission by a private company or individual, and where the state fails to provide justice for the person whose right or rights have been violated, that person's right or rights have also been violated as a result of an omission on the part of the state. In the factory worker example, the state is under a positive obligation to prosecute the factory owner under the Labor Law, ordering the payment of wages and compensation and ensuring that the violation does not continue.



2.5 Types of Human Rights Violation

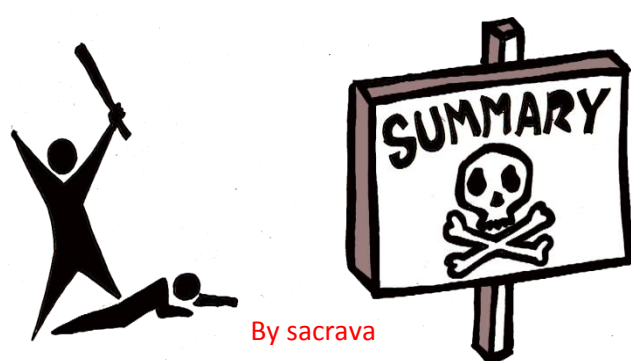
The following are a series of examples of specific rights and ways in which they can be violated. These sections are only examples of some violations of specific rights. This is not a full and exhaustive list of rights or violations of those rights. For more information on specific rights and violations of those rights please visit the CCHR hosted and award winning Cambodian Human Rights Portal www.sithi.org

RIGHT TO LIFE

- Article 32, Constitution of the Kingdom of Cambodia
- Article 3, Universal Declaration of Human Rights
- Article 6, International Covenant on Civil and Political Rights.

The right to life is violated as a result of an act of commission or an omission which results in a loss of life. A state may be guilty of a violation of an individual's right to life by an act of commission where an individual is killed by a police officer in the line of duty and without mitigating circumstances. In the event that an individual is killed not by a representative of the state but by a private individual, even a member of the victim's family or a friend, the state can still be guilty of a violation of the right to life if it does not ensure a full and effective investigation into the circumstances resulting in death.

A state could also be guilty of a violation of the right to life if it failed to act where it had



information of a danger to an individual's life but where it did not take steps to protect that individual – an omission and a positive obligation. An example of such a situation is where the police are informed about a death threat against an individual, where they fail to provide protection to that individual and where that individual is killed.

RIGHT TO LIBERTY AND SECURITY OF THE PERSON

- Article 32, Constitution of the Kingdom of Cambodia
- Article 3, Universal Declaration of Human Rights
- Article 9, International Covenant on Civil and Political Rights
 - The right to liberty and security of the person – or personal freedom as it is described in the Constitution of the Kingdom of Cambodia – refers to the right of all individuals to be free from arbitrary arrest and detention.
 - As with all rights, the right to liberty and security of the person is subject to certain limitations. The most obvious limitation in this regard, is detention of an individual as a result of his/her commission of a crime. In such circumstances, that individual

should be arrested and tried with due process and with full observance of his or her fair trial rights.

- For any arrest and detention of an individual to be legitimate and not in violation of the right to liberty and personal security, there must be adequate reason for the arrest and detention and the detention cannot be for an unreasonably long time. Importantly, when an individual is arrested and/or detained, it is the responsibility of the state to justify the detention and not for the individual to provide reasons why he or she should be released.
- An example of a violation of the right to liberty and personal security is an arbitrary arrest of individuals taking part in a non-violent demonstration. As mentioned above, Article 37 of the Constitution guarantees the right of all Khmer citizens to take part in non-violent demonstrations. Article 37 does provide that the exercise of this right must be in accordance with the law. The law referred to in this case is the Law on Peaceful Demonstrations, a law which sets out certain notification requirements for the holding of non-violent demonstrations. Where an individual is arrested even though he or she has satisfied the notification requirements of the Law on Peaceful Demonstrations and where the demonstration was indeed a non-violent one that arrest may be in violation of the right to liberty and personal security of the individual in question. In Cambodia, there are examples of individuals being required to sign documents promising not to take part in other demonstrations before being released. As noted above, it is for the state to justify an arrest and detention. Requiring individuals to make such promises is a further violation of the right to liberty and personal security.



RIGHT TO FREEDOM OF EXPRESSION

- Article 41, Constitution of the Kingdom of Cambodia
- Article 19, Universal Declaration of Human Rights
- Article 19, International Covenant on Civil and Political Rights
- The right to freedom of expression refers to the right of all people to say what they believe and to share their opinions with others – in conversation, through writing, pictures, art and so on. There are limitations to the right to freedom of expression. As the basis of human rights is non-discrimination and because no one individual can exercise his or her rights in a way that adversely affects the rights of another, the right to freedom of expression cannot be used to encourage discrimination, hostility or violence along national, racial or religious grounds. An example of a form of speech that goes beyond that permitted by the right to freedom of expression, is a speech which encourages violence against a minority group – such as Vietnamese people in Cambodia.



- In the Cambodian context, it is important to note that the right to freedom of expression in Cambodian and international law cannot be used by government institutions or members of the government to shield them from criticism. While the new Penal Code provides for a number of crimes for criticizing members of government, these are in conflict with the right to freedom of expression.
 - For example, Article 502 provides for an offence for words, gestures, and written documents, pictures of objects that are held to undermine the dignity of a public official or “holder of public elected office”. This provision conflicts with the right to freedom of expression as such comments do not constitute incitement of discrimination, hostility or violence along national, racial or religious grounds. As noted above, the Constitution is the highest and primary law in the country. Provisions of other laws – such as Article 502 of the Penal Code – which conflict with the Constitution are illegitimate and should be struck down and not applied by the courts. It is worth noting, that Article 502 of the Penal Code also conflicts with Article 39 of the Constitution which protects the right of Khmer citizens to “denounce, make complaints or file claims against any breach of the law by state and social organ or by members of such organs”.

RIGHT TO FREEDOM OF MOVEMENT

- Article 40, Constitution of the Kingdom of Cambodia
- Article 13, Universal Declaration of Human Rights
- Article 12, International Covenant on Civil and Political Rights
 - The right to freedom of movement, or the right to travel as it is described in the Constitution, refers to the freedom of all Khmer citizens to travel in and around Cambodia, to leave the country as they desire and to return.
 - While it is the duty of a local authority to maintain public order, this does not include stopping members of communities from travelling to other areas. For example, an individual is free to travel to another province or district to take part in a human rights training event. In August and September 2011, district authorities in Sandan district, Kampong Thom province created a new rule that individuals from outside that district and province could not travel to Sandan to take part in human rights training events, which themselves are legal. This rule – which was not included in any law – violates the right to freedom of movement of Khmer citizens who want to travel to Sandan district to take part in training events. As this rule is therefore in violation of the Constitution, it is invalid and cannot be legally or legitimately enforced by the authorities.



RIGHT TO FREEDOM OF ASSEMBLY

- Article 41, Constitution of the Kingdom of Cambodia
- Article 20, Universal Declaration of Human Rights
- Article 21, International Covenant on Civil and Political Rights

- The right to freedom of assembly is the right to gather with others to express opinions and to voice disapproval – including disapproval with government policy. The right to freedom of assembly can also be described as the right to protest.
- For public order reasons, the government can place certain restrictions on the right to freedom of assembly. In Cambodia these restrictions are set out in the Law on Peaceful Demonstrations and include certain requirements for notification of demonstrations. Such limitations however cannot exceed that which is reasonable and can never be used as an excuse to prevent a demonstration when the real motivation for stopping a demonstration from going ahead is because the demonstration is against government policy or a human rights violation involving a member of the government or someone connected to a member of the government.



Members of the Prey Lang network dressed as Avatas peacefully Campaigning

RIGHT TO FREEDOM OF ASSOCIATION

- Article 42, Constitution of the Kingdom of Cambodia
- Article 20, Universal Declaration of Human Rights
- Article 22, International Covenant on Civil and Political Rights
- The right to freedom of association is the human right which allows individuals to form groups to work together for collective interests. This includes non-government organizations, unions, associations and community based organizations. These groups are a platform for people to exercise their right to freedom of expression. These groups are a platform for people to exercise their right to freedom of

expression. This right is violated when people are prevented from forming groups that serve legitimate interests – such as groups based within communities to monitor human rights violations.

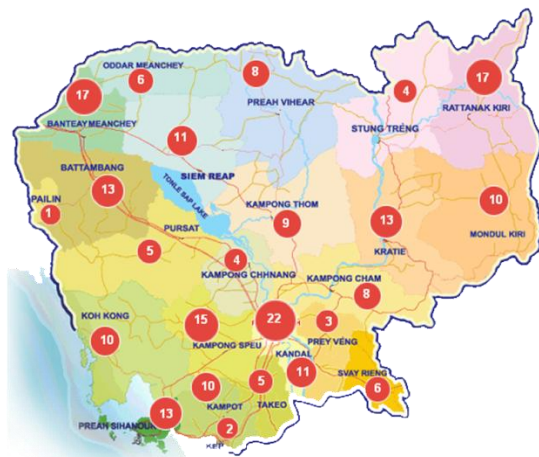
- In Cambodia, a draft law regulating NGOs and associations and other regulating unions are expected to pass in the coming months. These laws will be in violation of the right to freedom of association if they arbitrarily infringe upon this right.

RIGHT TO OWN LAND / PROPRETY

- Article 44, Constitution of the Kingdom of Cambodia
- Article 17, Universal Declaration of Human Rights

The right to own land is an important right which is often violated in Cambodia by private individuals and companies. These individuals and companies are sometimes closely linked to members of local authorities and even the government. When an individual is evicted from his or her land, his or her right to own land can be violated in a number of ways.

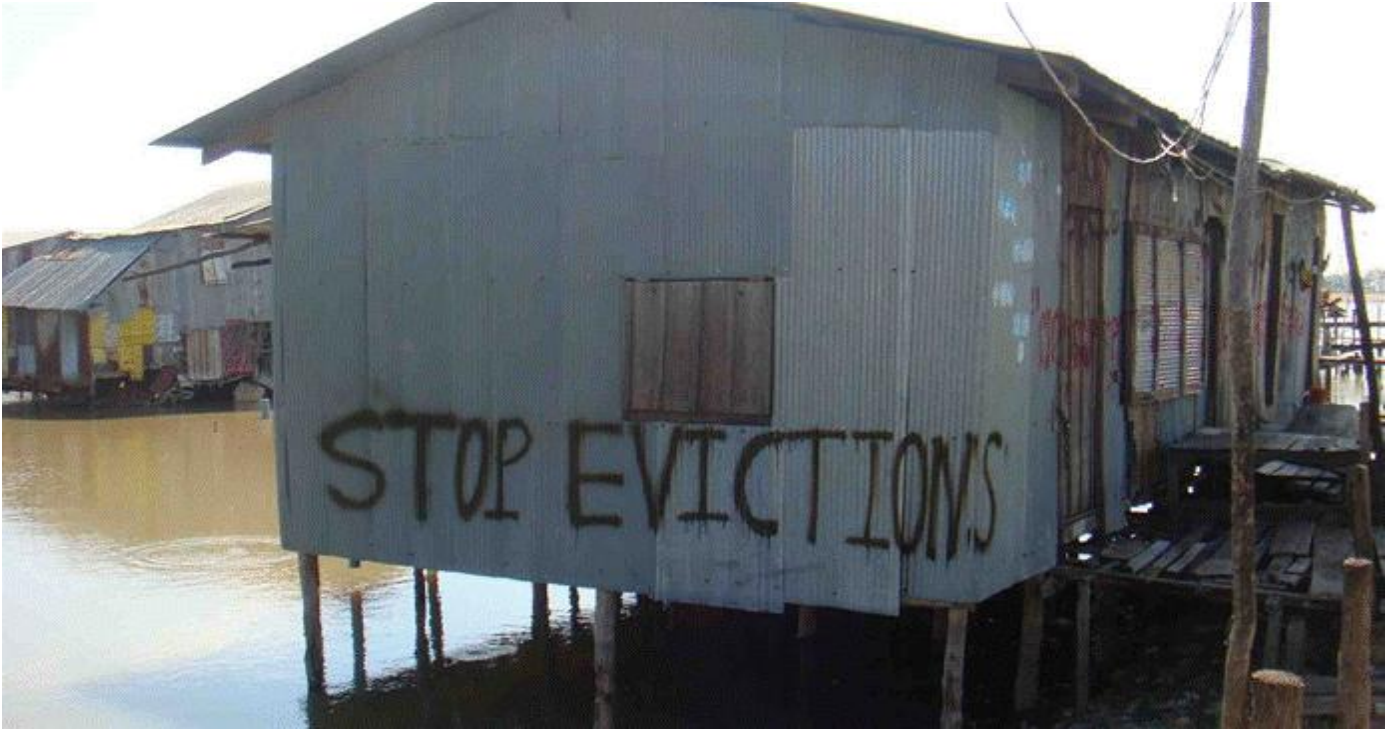
For example, a person could be violently evicted from his or her home by a private company involved in business operations on that land – such as the creation of a rubber plantation.



Cambodia suffers from widespread violations of the right to land. Please visit www.sithi.org, on “The Reported Land Conflict cases 2007 to 2011 in Cambodia”, for more information

Another individual could be evicted as a result of a government development project – such as the building of a road or a dam. In all of these situations, the individual who is evicted from land that he or she owns, he or she is owed, as the very least, fair and just compensation – as required by the law.

As with other rights, the right to own land can be violated by an act of commission or an omission. For example, an individual forcibly removed from his or her home is the victim of an act of commission. A failure to pay that individual fair and just compensation in advance is an omission. Equally, a failure on the part of the courts to adequately address a complaint made by such an individual would be an omission and could also amount to a violation of the individual's right to land. In Cambodia, experience has shown that a violation of the right to own land usually involves a number of smaller violations – a failure to provide notice for an eviction, a failure to pay fair and just compensation, the use of force in evicting the individuals and a failure on the part of the courts and other institutions – such as the National Authority for Land Management – to provide justice to the victims of these violations.



A house in Beng Kak area, Phnom Penh

Knowledge is the first step towards **change**

III. UNDERSTANDING DOCUMENTATION

3.1 What is Documentation?

‘Documentation’ of human rights violations refers to two related processes:

- **RECORDING FACTS** about ongoing or recent events with the purpose of monitoring human rights and violations of human rights.
- **COLLECTING DOCUMENTS**, such as newspaper articles, press releases, photos and medical or police reports that provide evidence of the information gathered.

3.2 Why document human rights violations?

Respect for human rights in Cambodia has been decreasing in recent years. Corruption is rife in the country and a culture of impunity prevents ordinary people from accessing justice for wrongs caused by wealthy and well-connected people. The police, local authorities and the courts fail to assist the people in their efforts for justice and equality. When someone is evicted from their homes, it is the police that come to make them leave. When they turn to the courts for justice, they are denied it.

In this environment, ordinary people must gather information themselves in order to support efforts to prevent violations, resolve conflicts and achieve justice for wrongs committed against them and others within their community. Gathering information allows communities – together with NGOs and others, such as the United Nations – advocate in the interests of the ordinary people. When information about a land grab is in the news, it is more difficult for the land grabbers to act with impunity and more likely for the ordinary people to find a resolution that respects their rights and provides them with justice. A good example is the case of the Boeung Kak Lake community (see case study).

It is important to remember that the people who are in the best position to document violations are the people in the community where the violations are occurring. Violations are occurring all over Cambodia. Communities are starting to gather information more and more and are becoming much more effective at advocating and campaigning together. A good example of what communities can achieve when they gather together is the recent “Pray Long for Prey Lang” event organized and conducted by the Prey Lang Network – a network of communities affected by bad management of land and resources throughout the country (see case study).

Case Study: Boeung Kak Lake – Documentation and advocacy in action

Background

The Boeung Kak Lake area was a thriving tourist hub in the heart of Phnom Penh until Shukaku Inc., a company owed by a senator from the ruling Cambodian People's Party, signed a 99-year lease for 133 hectares of the land surrounding the lake. Shukaku Inc. spent approximately \$79 million to lease the land, \$0.60 per square meter, and with the backing of a Chinese company, made plans to fill in the lake and develop the land. At the time the lease was signed, there were 4,012 families living around the lake, the majority of whom moved there in the 1980s and 1990s. After the signing of the lease, the Company's staff, with the help of communal and district authorities, tried different tactics to move people from the area. This included using armed forces to intimidate community members into accepting compensation which was perceived by the residents as being well below the market value of their homes and property.

Action

The affected communities around Boeung Kak Lake utilized many tools to raise awareness of their plight to a broad array of national and international stakeholders and to advocate to affect positive change to their situation. Central to their efforts has been recording and documenting violations of their rights and making information about these injustices available to interested parties. This has been achieved through many innovative strategies, including a "Save Boeung Kak Lake" campaign which has a website and related social media tools, such as Facebook. The website acts as the central hub for information, recording press releases, newspaper articles, images, and other advocacy documents written by residents and NGOs. Facebook and other social media sites help to connect the lakeside residents to a different type of audience allowing them to provide updates whenever something happens at the lake.

For example, on 21 April 2011 during a peaceful demonstration, security forces in Phnom Penh beat a 71-year-old woman causing injuries to her head and detained a total of 9 village representatives while violently dispersing the crowd; the 9 women were released the following day. The images of this event were recorded and went straight onto websites like Facebook and YouTube and were thus made available to audiences all around the world. All of the related materials such as press releases from civil society condemning the actions were posted on the internet generating media coverage from international publications such as the Guardian and the BBC. This helped raise awareness of the plight of Boeung Kak Lake and created further pressure for the conflict to be positively resolved.

Result

The awareness generated from the monitoring, documentation and advocacy by the lakeside residents helped to provide most of the residents of Boeung Kak Lake with a fair resolution. On 9 August 2011 the World Bank publicly stated that they were freezing financial assistance to Cambodia until a compensation deal with the families was agreed by the Cambodian government. Two days later, on 11 August 2011, Prime Minister Hun Sen announced that most of the remaining lakeside residents would be given onsite relocation in a 12.44 area surrounding the lake. While problems still exist at the lake – some families have been excluded from the relocation agreement – the Boeung Kak Lake case is a good example of how a community, working together, can use monitoring and documentation to achieve a positive resolution.

Case Study: Pray Long for Prey Lang Forest Event – Uniting communities



Members of the Prey Lang network campaigning in Phnom Penh

Background

Prey Lang Forest is the largest primary forest in the Indochinese peninsula and is the source of livelihood for over 200,000 people, including a large portion of the country's indigenous population. Despite its rich biodiversity and value to local people, Prey Lang forest lacks state protection with the local community claiming the government is crowding them out through the rampant awarding of concessions, severely altering the environment and the lives of those who rely on the land. Since the early 2000s, Prey Lang communities – from all four of the Prey Lang provinces – began advocating for the protection of Prey Lang. In early 2011, rubber companies, who had received concessions over the land from the government, sped up their clearing of the forest. The struggle to save the forest was failing. There was a need to get more national and international attention about the destruction of Prey Lang in order to get more support for the communities' efforts to stop it.

Action

The community members generated increased attention by focusing not only on how their lives are affected by the destruction of Prey Lang but also by highlighting the importance of Prey Lang in the fight against climate change. In order to do this, the communities arranged a nationwide event to raise awareness of the destruction of Prey Lang, the "Pray Long for Prey Lang" day.

To draw international attention to the event, the communities created a unique and interesting theme designed to create powerful images that would attract global attention. During the demonstration they wore body paint and hats made from leaves, copying the Hollywood motion picture "Avatar." Avatar takes place on a fictional lush, tropical planet called Pandora occupied by a people called the Na'vi who live and rely on a forest for their livelihood. In the movie, the forest is being destroyed by humans who are making profit from the natural resources there. The story was therefore similar to what is happening in Prey Lang.

Result

The "Pray Long for Prey Lang" event was very successful and helped to raise awareness of the destruction of the forest in Cambodia and foreign countries. There were gatherings in 146 communities in 14 provinces in Cambodia. While they are not all affected by the destruction of Prey Lang, all of these communities have been affected by land conflicts or the destruction of natural resources. The event was the biggest event to date involving communities from around the country acting together to raise awareness of the case of Prey Lang and of the wider problems of land mismanagement and natural resource destruction in Cambodia.

3.3 Understanding the Concepts

Before starting to monitor, it is important to understand the following important concepts: “**event**”, “**victim**”, “**perpetrator**” and “**involvement**”.



Bulldozers illegally destroying people's homes at Boeunq Kak Lake

EVENT: An event is something that happens, with a beginning and an end. It can be one INDIVIDUAL ACT, a SERIES OF RELATED ACT or a **COMBINATION OF RELATED ACTS** happening at the same time.

For an event to be included in your monitoring work, at least one of the acts or potential future acts it contains should qualify as a human rights violation.

VICTIM: The person who suffers from the act in an event. Importantly, where human rights monitoring is concerned, the victim is the individual whose rights have been violated or are under threat of violation.

PERPETRATOR: The person – it can be an individual or a group – who commits the act that constitutes a human rights violation or which results in a human rights violation. It can be either a state agent or a private individual.



INVOLVEMENT: The participation of a perpetrator in a particular act, whether as someone directly committing the act or otherwise. For example, in the case of an act of violence, involvement can mean directly carrying out the act, giving orders that lead to it, being present during the attack and providing encouragement to the attackers, planning or being suspected of involvement in the act.

IV. HOW TO CONDUCT HUMAN RIGHTS DOCUMENTATION

There are several stages to the documentation and monitoring of human rights violations. This part of the handbook will help you to better understand each stage.

We will discuss how to identify the problem, the process of fact-finding, how to organize the information and how your work can be used to resolve a conflict, end a violation and achieve justice for the victim.

THE 4 STEPS OF THE DOCUMENTATION PROCESS

IDENTIFYING THE PROBLEM

Decide what information needs to be collected and how

FACT-FINDING

Acquiring information and materials

DOCUMENTING

Recording in writing the information you have acquired

PROVIDING INFORMATION

Making your results available to others who can use it in their advocacy

4.1 Step 1: Identifying the Problem

Conducting research: Start by finding out the basic details about the event. What happened? Who was involved and how?



Identifying sources: An important step is identifying people with information that you need or which can support your work – your sources. Developing relationships with these people is important as is earning their trust. As well as providing you with information about an event or events that have already occurred, these people will also contact you if there are future developments. A diverse network of reliable sources is one of the most powerful tools a human rights monitor can hope to acquire.

People you should talk to:

- People involved in the event, for example victims, perpetrators and other witnesses
- Government officials, police officers, members of the local authority and so on
- Members of the community where the event occurred.



Finding supporting information: As well as identifying people with information, it is important to find documents that provide information about the case you are documenting. Supporting documents can include newspaper articles, reports by NGOs and others, medical reports, police reports and so on.

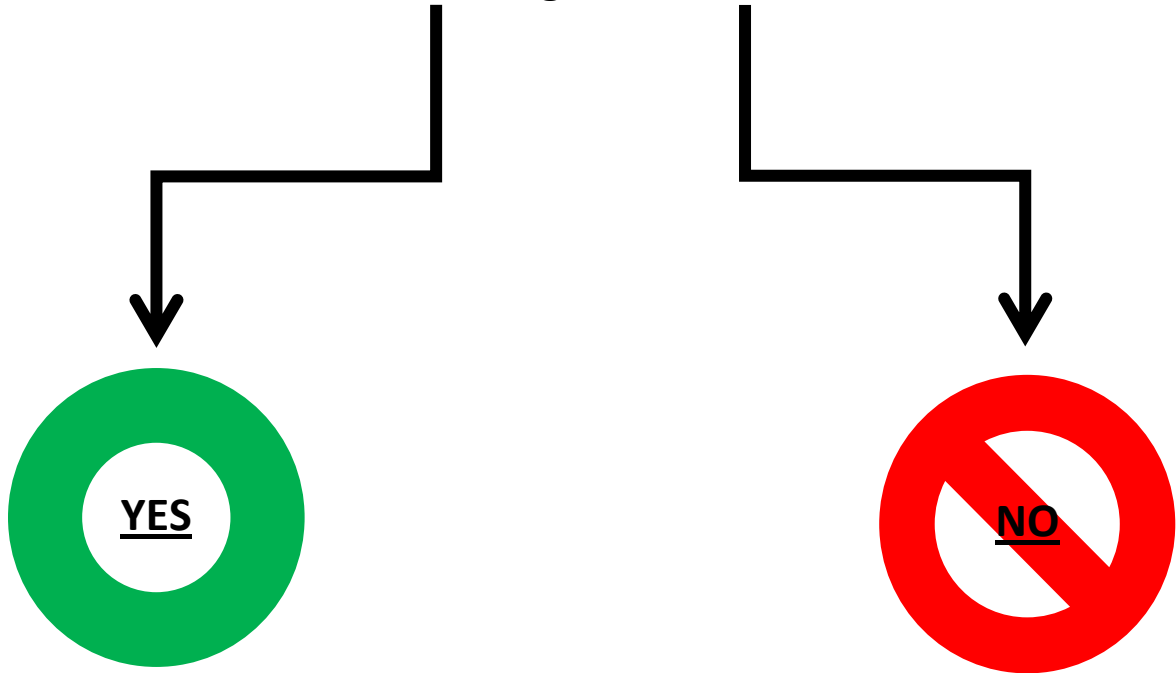
DOES IT CONSTITUTE A HUMAN RIGHTS VIOLATION?

Once you know what happened and who was involved and how, you need to determine whether the event or events in question constitute a human rights violation.

Reminder!

A human rights violation occurs when there has been a failure on the part of the government to uphold its duties to respect protect and fulfill. It is important to remember that a violation can occur as a result of an act of commission or an omission by a private individual or company where the state fails to intervene in order to end the violation and ensure justice for the victim.

Human Rights Violation?



NEXT STEP

DEFINE THE SCOPE OF YOUR WORK

Once you have concluded that there has been a violation, you must next determine what steps can be taken to resolve the situation and what you can do to contribute to that resolution.

NEXT STEP

Where no violation has occurred, further work may not be required of you. A monitor should be slow to rule out a violation and, in cases of doubt, should contact others – such as an NGO – for a second opinion.

4.2 Step 2: Monitoring and Fact-Finding

Acquiring information, facts and evidence of an event is the biggest part of human rights documentation. You will already have collected some of the information in your activities under Step 1 above. However, in any investigation, the more information you gather the better. Information is the key to knowledge and understanding. Relevant information includes details about the event, the victims and perpetrators involved and the nature of their involvement in the event.

While you are conducting the various parts of your investigation or fact-finding mission it is important that you remember what event you are documenting and who is involved.

Keep in mind the following:

- 1) What happened? Who did what? Whose rights have been affected?
- 2) What actions were taken in response? What has the government or the authorities done to resolve the situation?

Keeping records: Human rights work is often viewed with suspicion by the government and local authorities. The claims made by human rights monitors are generally rejected by the government and the perpetrators of the acts of commission or the omissions. It is extremely important that you keep a record of all information you gather. This includes keeping notes from meetings, recording meetings and interviews and keeping supporting documents.

Interviewing: One on one contact with individuals close to the event is one of the best ways to gather information. You should look to interview as many people connected to the events – the victims, the perpetrators and witnesses – as possible. You should always keep a record of all the interviews you conduct. Recording interviews is the best way to keep a record of them however note taking is another useful – and easier – way to keep a record of interviews.



On-site fact-finding

Visiting the location that an event is said to have taken in place is a helpful way of finding information. The location itself may still hold valuable evidence – bullet holes for example. Also, visiting a location is a helpful way of getting an idea in your own mind of how the event you are investigating played out. Conducting on-site investigations with individuals who were at the location when the event occurred is a helpful way of finding information as people remember more at the location than at a neutral, unconnected venue.

Monitoring events: If you have information in advance of an event that might result in a human rights violation, it is advisable – where it is safe to do so – to attend the event in person as a monitor. Advanced notice of a demonstration by a community involved in a land conflict which you have been investigating is a good example of an opportunity for monitoring.

Collecting supporting documents: As outlined under Step One above, it is extremely important to gather supporting documents relating to the event. These include newspaper articles, medical records, police reports and so on. Any document or supporting evidence which relates to the case should be collected. The more supporting information you have, the stronger the case you can make and the more reliable your findings are.

Using photographs and film: Photographs and film are important tools in monitoring human rights violations which should be used wherever possible. There is a saying that a picture tells a thousand words. Photographs and videos – particularly of a violation occurring – are the clearest evidence you are likely to find to prove that that event actually occurred.

Obstacles along the way

Human rights monitoring is a demanding task that sometimes involves risks to the monitor. The following are some of the challenges and obstacles you may face in your activities as a human rights monitor.

Lack of access to information: Cambodia currently lacks a freedom of information law (although one is currently being drafted). In addition, the Cambodian government and local authorities do not generally freely embrace transparency and the sharing of information. Human rights monitors in Cambodia constantly encounter problems with accessing information – local authorities for example may be worried by a human rights investigation and may be reluctant to share information or agree to provide interviews. Difficulties with accessing information are such that human rights monitors have to learn to seek information from different and diverse sources. If a member of a local authority will not provide an interview, a community member with the same information may.

Threats to personal safety of sources and human rights monitors: As human rights monitoring generally threatens the interests of wealthy, powerful and well-connected individuals, it is sometimes an extremely dangerous vocation. In Cambodia, where impunity reigns, wealthy individuals and companies behind human rights violations have used violence and intimidation against human rights monitors in order to protect their interests. It is essential that a human rights monitor takes every step to minimize threats against him/her and his/her sources. This includes travelling with others, informing friends, family and colleagues about where you are going and when you will be back, keeping an accurate record of information gathered, looking out for suspicious occurrences such as men waiting outside your home, informing others about

potential threats against you or your sources, maintaining contact with people and organizations that can help you and your sources in the event of a threat of any of you.

Reluctance of victims and witnesses to provide information: People whose rights have been violated are often afraid that the perpetrators will visit threats, violence or intimidation on them. They may view human rights investigations as futile – given the lack of an independent court system. It is important to develop trust with victims and witnesses and to ensure that they understand that information can be provided in the strictest of confidentiality and that their identity will not be made public or shared with anyone.

How to conduct an Interview

One of the most practical ways of establishing facts is to conduct interviews. Interviewing the people involved in an event – victims, perpetrators and other witnesses – will help you to clarify what happened and assess the impact of the event.

Interviewing is not simply a matter of asking questions and recording the answers. It is also requires that the interviewer earns the trust of the interviewee. When interviewing a victim or witness, a human rights monitor must remember his or her commitment to the principles of confidentiality and sensitivity.



CCHR employees conducting an interview with a victim of a land dispute

Before the interview



Preparation is important for every act undertaken by a human rights monitor. If you fail to prepare, prepare to fail. Before conducting an interview, you should do the following:

Read about the case so that you know what you are talking to the interviewee about. It is embarrassing for an interviewer to conduct an interview in a case or relation to an issue he or she has not informed him or herself about. It is also a waste of time for the interviewee.

Prepare a checklist of information you want to gather and questions you want to ask.

Ensure that you have a safe place to conduct the interview.

Inform the interview in advance of the purpose of the interview. This will allow the interviewee to prepare his or her thoughts and related documents.

During the interview

Once you are sure that the environment in which you are conducting the interview is safe, you should introduce yourself and explain again the purpose of the interview.

Emphasize that all the information given to you will be treated as confidential and will not be made public without the permission of the interviewee. Ask the interviewee if he or she is happy for you to take notes or record the interview before you start.

Allow the interviewee to tell their whole story without interruptions first. Once he or she has given his or her account, you should then address specific questions you have. If the person you are interviewing asks for a transcript, or recording of the interview, make sure that you provide him or her with it. Doing this will help establish your credibility and build trust with the interviewee.

Sensitivity is a key principle when conducting interviews, particularly when talking to victims. Sharing personal stories can evoke painful memories, so it is very important that you show interviewees the utmost respect. Give the interviewee plenty of time to share their story, and give them your full attention



Active Listening

Active listening means genuinely giving your attention to someone while they speak. This is a key part of interviewing. It also refers to understanding what the person is saying. Asking questions is a good way of showing the interviewee that you have listened to what he or she has had to say. Maintaining eye contact with the interviewee is another way of indicating that you are truly engaged in what he or she is saying. When interviewing it is important that you silence or turn off your phone. It is insulting to an interviewee who is recounted a personal story if you answer your phone while they are speaking.



Checklist

Compiling a checklist of information you want to gather and questions you want to ask the interviewee is an important preparatory step for the interview. You do not have to follow the checklist rigorously but it will provide you with a guide for your thoughts and something to give structure to the interview. Before finishing the interview, you should go through the checklist to ensure that you have gathered the information you wanted. A Sample Interview Checklist is provided below.



Questions

Avoid using closed questions that lead to predictable “yes” or “no” answers, particularly in the beginning of the interview, as they may appear rigid and impersonal. Instead, make as much use of open ended questions as possible. They are more general and will allow your contact to decide how to answer. Usually, these questions concern: *how*, *what* and *why* something happened.

After the interview

Following the interview you should go through your notes in a quiet place to check whether all the necessary points were covered. You can then cross-check your notes with other sources of information and determine if you require further information, and where you might find the information you need.

If your contact did not give you the permission to record the interview, it is crucial that you write everything down immediately after the interview to make sure you do not lose any important information.



Members of a CCHR community training taking notes

Interview Checklist

The list below is a guide to the types of information you should seek to collect during an interview:

- ✓ **Personal Details:** Full name / date of birth / sex / contact details / occupation and name of employer / family status / nationality / religion / ethnic group
- ✓ **Date and time of the violation:** Day, month, year, hour. How can you prove it happened on that day/hour?
- ✓ **Place:** Where did the violation take place? What were you doing before the violation? Where were you coming from or going to? Why were you at that place?
- ✓ **Surrounding events:** What else was happening around you?
- ✓ **Details of the event:** What happened, in what way, how long, how many times? How do you remember the event that took place? How many people were victims (give exact numbers if possible)? Were any photographs or videos taken of the event? Where are they available?
- ✓ **Identification of the persons conducting the violation:** Do you know the perpetrators? Did you see them, would you recognize them if you saw them again? Were they state actors? What was the reason or motive for the violation? What weapons were they carrying (if any)? How do you know? Were any photographs or videos taken of the perpetrators carrying out the violations? Where are they available?

Give full details of how many people were involved, including age / sex / height / plain clothes or uniforms / ranks / names if known
- ✓ **Witnesses:** Did any other members of the community or others see the violation(s)? How do you know? Who were they (collect full details, names and addresses)?
- ✓ **Injuries and damage:** Did the victim(s) go to a doctor, medical clinic or hospital? Collect full name and position of doctor. Is there any medical report? Were any photographs or videos taken of injuries? Where are they available?
- ✓ **In case of an arrest / detention:** Was force used while the victim under the arrest? Did the police give a reason for the arrest? Did police show a warrant? Was the victim taken away? How? What vehicle? How many people? Where? How do you know?

Is the victim still in custody? How many days? Where? Please state details: name and location of police station / prison / military base. Was the victim transferred from one place of detention to another? How? When? What was the reason given? How do you know? Were any photographs or videos taken of the arrest? Where are they available?

4.3 Step 3: Documenting

How to write your case report

Once you have gathered all the information you need about the event, you need to think about how to organize the information and who your audience is. If you are working with or for an organization you should make sure you know how the organization presents its information. They may want a written narrative – in others, a description of the event(s) in story form – or they have a specific form which you can fill out.

Writing up a case report can be difficult. It is advisable that you use fewer words, including only the information that is needed – the facts of the case, personal accounts of victims and witnesses, accounts offered by government or perpetrators and the narrative offered by the media. It is easiest to write about an event or events in the chronological order in which they happened.

REMEMBER

What happened?

Who did what to **whom**?

What **actions** were taken in response?

Two principles – **structure** and **clarity**– may help you with this part of your work.

Structure

Getting the right structure for your report is essential to organizing all the information you have gathered and making it understandable to the reader. Break the text up into different section, for example:

Introduction

Summarize the event and **briefly outline** what happened.

Body

This section should contain most of the facts of the case. Write out the whole case in **chronological order**— that is, the order in which the events occurred. It is important to provide all the relevant facts you have gathered. Extremely important in this section are names of people and places and dates on which events occurred. It should be clear to the reader, the order in which events occurred and the reader should be informed of the background of each individual that is mentioned in the report and his or her contribution to the event(s).

Conclusion And Recommendations

Indicate what the **current status** of the case is. Explain if and how the case was resolved, and what the next step will be. If you have comprehensive information you may also be able to **comment** on the possible **impact** of the case on the wider community. You should also provide recommendations on what you think can be done to resolve the case.

Clarity

Clarity refers to how clear and understandable your report is. Clarity and structure are interlinked. If your report is well structured, it will be clearer and easier to understand. If the structure is not good, the report will be harder to follow. In order to ensure clarity, you should write in clear language and be as brief as possible. It is important to use words that are easy to understand and to use shorter sentences.

Case Reporting Form

One way in which to organize your thoughts is using the Case Reporting Form. (Please see in Appendix 1 of an Example of a completed form.

Person Information	
1.Victim : Individual <input type="checkbox"/> Group/organization <input type="checkbox"/> Specify number	
Name of Victim:Sex.....Age.....Nationality.....Citizen.....	
Marital Status: 1 .Single <input type="checkbox"/> 2. Married <input type="checkbox"/> 3. Widow/widower <input type="checkbox"/>	
Home Address: Village.....Commune..... District.....Province.....	
Tel:Political tendency.....	
Occupation:Work Address :	
Type of Victim: 1. Activist <input type="checkbox"/> 2. Villager <input type="checkbox"/> 3. Employee <input type="checkbox"/> 4. Journalist <input type="checkbox"/> 5. Civil Servant <input type="checkbox"/>	
6. lawyer <input type="checkbox"/> 7. Law Maker <input type="checkbox"/> 8. Other)Please Specify(<input type="checkbox"/>	
Does the victim agree to share his/her name to media or authorities? 1. Yes <input type="checkbox"/> 2. No <input type="checkbox"/>	
Does the victim agree to share his/her information to media or authorities ?1. Yes <input type="checkbox"/> 2. No <input type="checkbox"/>	
Other comment.....	
.....	
.....	
.....	
.....	
2.Victim: Individual <input type="checkbox"/> Group/organization <input type="checkbox"/> Specify number	
Name of Victim:.....Sex.....Age.....Nationality.....Citizen.....	
Marital Status: 1 .Single <input type="checkbox"/> 2. Married <input type="checkbox"/> 3. Widow/widower <input type="checkbox"/>	
Home Address: Village.....Commune..... District.....Province.....	
Tel:Political tendency.....	
Occupation:Work Address:	
Type of Victim: 1. Activist <input type="checkbox"/> 2. Villager <input type="checkbox"/> 3. Employee <input type="checkbox"/> 4. Journalist <input type="checkbox"/> 5. Civil Servant <input type="checkbox"/>	
6. lawyer <input type="checkbox"/> 7. Law Maker <input type="checkbox"/> 8. Other)Please Specify(<input type="checkbox"/>	
Does the victim agree to share his/her name to media or authorities? 1. Yes <input type="checkbox"/> 2. No <input type="checkbox"/>	
Does the victim agree to share his/her information to media or authorities ?1. Yes <input type="checkbox"/> 2. No <input type="checkbox"/>	
Other comment.....	
.....	
.....	
.....	
.....	
3.Perpetrator: Individual <input type="checkbox"/> Group/organization <input type="checkbox"/> Specify number	
Name of Perpetrator:Sex.....Age.....Nationality.....Citizen.....	
Marital Status: 1 .Single <input type="checkbox"/> 2. Married <input type="checkbox"/> 3. Widow/widower <input type="checkbox"/>	
Home Address: Village.....Commune..... District.....Province.....	
Tel:Political tendency:	
Occupation:Work Address :	
Type of Perpetrator: 1. Village officer <input type="checkbox"/> 2. Commune Officer <input type="checkbox"/> 3. District Officer <input type="checkbox"/>	
4.Provincial Officer <input type="checkbox"/> 5.National officer <input type="checkbox"/> 6. Police <input type="checkbox"/> 7. Military Police <input type="checkbox"/>	
8. Armed Force <input type="checkbox"/> 9.Prison officer <input type="checkbox"/> 10. Court <input type="checkbox"/> 11. Law Maker <input type="checkbox"/>	
12. Private Security <input type="checkbox"/> 13. Developers <input type="checkbox"/> 14.Employers <input type="checkbox"/> 15.Crow Mob <input type="checkbox"/>	
16. Unknown <input type="checkbox"/> 17. Other)Specify(<input type="checkbox"/>	
Other Comments:	
.....	
.....	
.....	

<p>4. Perpetrator: Individual <input type="checkbox"/> Group/organization <input type="checkbox"/> Specify number</p> <p>Name of Perpetrator: Sex Age Nationality Citizen</p> <p>Marital Status: 1. Single <input type="checkbox"/> 2. Married <input type="checkbox"/> 3. Widow/widower <input type="checkbox"/></p> <p>Home Address: Village Commune District Province</p> <p>Tel: Political tendency:</p> <p>Occupation: Work Address :</p> <p>Type of Perpetrator: 1. Village officer <input type="checkbox"/> 2. Commune Officer <input type="checkbox"/> 3. District Officer <input type="checkbox"/> 4. Provincial Officer <input type="checkbox"/> 5. National officer <input type="checkbox"/> 6. Police <input type="checkbox"/> 7. Military Police <input type="checkbox"/> 8. Armed Force <input type="checkbox"/> 9. Prison officer <input type="checkbox"/> 10. Court <input type="checkbox"/> 11. Law Maker <input type="checkbox"/> 12. Private Security <input type="checkbox"/> 13. Developers <input type="checkbox"/> 14. Employers <input type="checkbox"/> 15. Crow Mob <input type="checkbox"/> 16. Unknown <input type="checkbox"/> 17. Other)Specify(<input type="checkbox"/></p> <p>Other Comments:</p> <p>.....</p> <p>.....</p>	<p>5. Source of information : Individual <input type="checkbox"/> Group/organization <input type="checkbox"/> Specify number</p> <p>Name of Source of Information: Sex Age Nationality Citizen</p> <p>Marital Status: 1. Single <input type="checkbox"/> 2. Married <input type="checkbox"/> 3. Widow/widower <input type="checkbox"/></p> <p>Home Address: Village Commune District Province</p> <p>Tel: Political tendency:</p> <p>Occupation: Work Address :</p> <p>Type of Source of Information: 1. Victim <input type="checkbox"/> 2. Colleague at work of victim <input type="checkbox"/> 3. Relative of victims <input type="checkbox"/> 4. Perpetrator <input type="checkbox"/> 5. Colleague at work of perpetrator <input type="checkbox"/> 6. Relatives of perpetrator <input type="checkbox"/> 7. Witness <input type="checkbox"/> 8. Provider of layer, medical and financial service to the victim <input type="checkbox"/> 9. Reporter <input type="checkbox"/> 10. Unknown <input type="checkbox"/> 10. Other)Please specify(<input type="checkbox"/></p> <p>Does the Does this person agree to share his/her name to media or authorities? 1. Yes <input type="checkbox"/> 2. No <input type="checkbox"/></p> <p>Does this person agree to share his/her information to media or authorities ? 1. Yes <input type="checkbox"/> 2. No <input type="checkbox"/></p> <p>Other Comments:</p> <p>.....</p> <p>.....</p>
<p>6. Source of information : Individual <input type="checkbox"/> Group/organization <input type="checkbox"/> Specify number</p> <p>Name of Source of Information: Sex Age Nationality Citizen</p> <p>Marital Status: 1. Single <input type="checkbox"/> 2. Married <input type="checkbox"/> 3. Widow/widower <input type="checkbox"/></p> <p>Home Address: Village Commune District Province</p> <p>Tel: Political tendency:</p> <p>Occupation: Work Address :</p> <p>Type of Source of Information: 1. Victim <input type="checkbox"/> 2. Colleague at work of victim <input type="checkbox"/> 3. Relative of victims <input type="checkbox"/> 4. Perpetrator <input type="checkbox"/> 5. Colleague at work of perpetrator <input type="checkbox"/> 6. Relatives of perpetrator <input type="checkbox"/> 7. Witness <input type="checkbox"/> 8. Provider of layer, medical and financial service to the victim <input type="checkbox"/> 9. Reporter <input type="checkbox"/> 10. Unknown <input type="checkbox"/> 10. Other)Please specify(<input type="checkbox"/></p> <p>Does the Does this person agree to share his/her name to media or authorities? 1. Yes <input type="checkbox"/> 2. No <input type="checkbox"/></p> <p>Does this person agree to share his/her information to media or authorities ? 1. Yes <input type="checkbox"/> 2. No <input type="checkbox"/></p> <p>Other Comments:</p> <p>.....</p> <p>.....</p>	

Event Information**1. Summary Event Information**

1.1 Event Title (concise, memorable etc):

1.2 Place of Event: Village.....Commune.....District Province.....

1.3 Start Date: End Date :

2. Act in the Event)Please brief 'Who did what to whom' in the event)

2.1. Date Dd/Mm/Yy	2.2. Perpetrators)Name as individual and group)	2.3. Type of Acts	2.4. Victim)Name as individual ar group)

3. Last Case Status:.....
.....
.....

4. If it is Land Case, please fill information below :

a. Size affected :..... b.Type of Land dispute:

c.Party Involved : d. Number of Victims:

Case Report Samples

The following are examples of case reports, written in a narrative format:

(Note – The names of places and individuals in the following case studies have been changed)

CASE 1: Community Representative Arrested

A conflict occurred between 173 families and the January Rubber Company over a 250-hectare of land in Samrith village, Prak commune, Meas district, Pichr province. It is reported that, on February 7, 2011, the January Rubber Company brought five bulldozers into the area and began clearing villagers' land. About 80 villagers immediately gathered at the site and attempted to prevent the company's workers from bulldozing their land. Some people stood in front of the bulldozers, shouting at the drivers to stop, before the company's security guards intervened. Workers used the electric batons and shot ten bullets into the air in order to scare community members and to force them not to protest.

During the standoff, six people were wounded and one woman lost her baby. Those injured were Phkay, Khdep, Chi Voan, Sek, Sarika, and Prim. Mrs. Kamsat, who was allegedly pregnant, got injured and fainted because of the electric baton used by Mr. Rasmei Ponleu, 27, the company security guard, against her. Mrs. Kamsat lost her baby just one hour later after she was sent to a local health center. According to villagers, perpetrators were (1) Thourain, male, 21, (2) Soda, male, 35, and (3) Rasmei Ponleu, male 27. The trio was the company's security's guards and all came from Mean village, Teap commune, Daung district, Amatak province.

The community members were then able to stop the clearance activities and speak to the company's representative. Mr. Sok San, 71, the village representative, asked the company's representative why they bulldozed the land villagers' land, to which a company representative replied that the company had received an economic land concession from the Government. He refused to show the requisite legal documents, particularly those detailing the company's license, saying that it was outside his area of competence. The community members also allegedly surrounded the company's workers for about two hours before the local authorities arrived and intervened. The commune chief told villagers not to conduct their activities this way, but to make a legal complaint instead.

A month later, on March 7, 2011, Mr. Sok San was summoned to appear before the Pichr provincial court following a complaint brought by the company's lawyer. Sok San was called in for questioning over the confrontation in February and was charged by provincial prosecutor Tola for infringement of private immovable property and incitement people to commit act of violence. Sok San denied the accusation, saying that he and his fellow community members did not destroy any property, nor did he incite anyone to commit violence and the event on February 7 was just a peaceful gathering.

Sok San was released on August 15, 2011 after the investigating judge Kosal was unable to prove his guilt.

CASE 2: Legal training halted, organizer questioned

On January 10, 2011, the Reastr and Chhbab (Citizen and Law) Organization (“RACO”) sent a letter to the Pichr Provincial Governor informing him that the organization would be providing a free training workshop on land rights to community members in the remote Samrith village, Prak commune, Meas district, Pichr province. In addition, local authorities were informed verbally by community members that the event was taking place.

The workshop was scheduled for January 17th and intended as a platform for community members to obtain and share knowledge relating to land rights and to provide an opportunity for concerns to be raised, particularly in relation to the increased frequency of economic land concessions and lack of consultation with the community.

Two days prior to the scheduled event, authorities informed RACO that they would prevent them from holding the training workshop. In the meantime, community members were summoned individually by the village chief, under direct orders from the commune chief, for questioning over the proposed training and instructed not to attend the training session.

Mrs. Svay Khiev, 45, a human rights activist living in the above village, said that she was warned by the commune chief, Mr. Sovan, that if, she continued to inform other community member about the training session, she would be arrested for inciting others to oppose the government.

Commune police (Mr. Dara, 45, Mr. Chann, 37 and Mr. Vaha, 47) prevented people from the neighboring Chamkar Svay village from participating in the training session, such that there were only about 15 people in attendance on the day. Mrs. Khmao Srors, 41, from Chamkar Svay village, said, by telephone, that she and ten others from her village were stopped and asked to show their driving licenses by commune police officers Mr. Dara and Mr. Chann on their way to the event. Mr. Vaha then slapped an elderly lady named Sam Suon, 72, from the same village.

Ten minutes into the training session a group of armed forces, led by district police chief Mr. San Yann, arrived. The session was halted and the police immediately began arguing with and questioned the organizer of the event, Mr. Serey. San Yann said that he stopped the event because its organizer had not received the requisite advance permission from local authorities. Furthermore, San Yann used rude and threatening words and said that Mr Serey would be arrested if he dared to hold the training session. Despite the legal arguments put forward by the organizer, police still refused to allow them to provide the scheduled training.

On January 18, 2011, Serey was questioned by Provincial Governor Rung Roeung. Mr. Rung Roeung accused Mr. Serey of abusing public order and inciting community members to oppose the government-approved economic land concession granted to a foreign company. On the same day, Ms Svay Khiev was called by the commune chief who told her to cease contact with RACO, and to ask permission first if she wants to attend the RACO’s legal training sessions in other provinces.

4.4 Step 4: Information Sharing

How to Use The Information Gathered to Help Those Affected By Violations

There are many things you can do with your Case Report once it has been completed. The decision should be made on a case-by-case basis – that is to say, that you should make a decision in each case about what you will do with the Case Report. Each case is different and requires different actions to resolve it. This should inform your decision about what to do with the Case Report. Remember, the information gathered and compiled will be useless if the Case Report simply sits on your desk. Here are a few suggestions of what you can do with it:

Make a Complaint to a court, the local authorities or government institution

Your Case Report should be sent to government ministries, local, commune, district and provincial authorities and others who can resolve the case. Your Case Report can also form the basis for a complaint to be filed at the courts. Other institutions such as the government human rights bodies (National, Senate and National Assembly); the National Authority for the Resolution of Land Conflicts and the Cadastral Committee should also be considered.



Meet with the perpetrators

With the information gathered and presented in a Case Report, you should look to meet with the alleged perpetrators of the violation and to discuss resolving the case.

Share with NGOs

If you did not start out working together with a NGO, you could now get in touch with one that focuses on the particular kind of human rights violation you deal with in your report. It is important to remember that you are the author of the Case Report and that you maintain your interest in the case even after you submit the Case Report to an NGO.

Share with the Community

You can take the Case Report to a meeting within the community. This will provide a good platform for the community to discuss the case and what they can do to resolve it.

Engage the Media

The media is a powerful tool for spreading information about human rights violations. You can inform the media of the case you have investigated by sending them your Case Report or by holding a press conference to talk about your findings.

Start an Advocacy Campaign

Your Case Report can provide the basis for an advocacy campaign. An advocacy campaign involves raising awareness of a case in order for it to be resolved.

V. GUIDING PRINCIPLES

When you document human rights, you are a human rights monitor. Four principles should always guide you in your work as a human rights monitor: ACCURACY, CONFIDENTIALITY, IMPARTIALITY and SENSITIVITY.

5.1 Accuracy

In order to be an effective monitor, the information you gather must be reliable. Human rights monitors report facts – their role is not to make false accusations and allegations or to allow their opinions change the information that they gather. While it might appear, for whatever reason, advantageous to accuse a certain person of wrong doing in the short term, in the long term, the information that you gather will be undermined. The level of accuracy of your work will determine how credible and reliable your information is.

How to achieve accuracy

1. Ask yourself: how reliable are my sources of information – including the people that I interview.
2. Trace down the origin of any allegations – in order words, where did a violation start?
3. Interview victims and witnesses as soon as possible after the event and write up your notes straight away – the longer the period of time between an event and an interview, the less clear a person's memory will be.
4. Cross-check every piece of information – compare your information with information gathered by others, including other monitors, NGOs, journalists etc...
5. Determine if any evidence is missing



Some factors that could make your work inaccurate:

- Starting an investigation too late
- Using only one source for your information
- Speaking only to people on one side of a two sided dispute
- Waiting too long before writing down information you have heard in interview

5.2 Confidentiality

Confidentiality between a human rights monitor and the people he or she gets his or her information from – your source – is extremely important. Confidentiality means that you will not disclose information about your source – including his or her identity, his or her address and so on. It is also important you do not publish information that makes it easy for someone to identify a source – even if the source is not named. For example, if one person provides you with information about a meeting he or she had with another person, that other person will be able

to identify your source. Before publishing information about a source of information that makes he or she identifiable, you should always ask for permission from that source. Confidentiality is a way of ensuring safety of your sources but it also helps to build trust between you and your sources.

How to guarantee confidentiality

1. Always ask for your source's permission to use a name or piece of information. Be honest with your source about how you intend on using this information.
2. Be careful when you communicate information about sources with other monitors, NGOs and so on. This includes being careful in telephone calls, emails, and so on. In these circumstances it is sometimes helpful to use a different name for your source or a code name.

5.3 Sensitivity

People whose rights have been violated are often traumatized or deeply saddened by the event or events. It is extremely important to remember this and to speak with victims of violations in a respectful manner and to use the information they give you with similar respect. A human rights monitor must always consider the impact of his or her work on the communities or individuals involved. Being sensitive to this, as well as the culture, gender, social position and so on, of the people involved can also help to establish mutual respect between you and your contacts and prevent unintended negative consequences of your work.

5.4 Impartiality

A human rights monitor should be impartial in his or her work. In order to provide a balanced picture of what happened in a particular situation, you need to listen to all sides of the story. It is important that you do not let your own bias or that of another person influence your work in a manner that undermines its credibility.

Working in an impartial way means:

- Treating all sides equally
- Always seeking the truth, regardless of the victim or perpetrator's political affiliation, nationality, religion, gender, ethnicity or social situation
- Distinguishing between your work as an impartial human rights monitor and the work of political activities – of the ruling or opposition parties.
- Reporting on violations caused by government activities but also those



SOME HELPFUL ADVICE...

- ✓ Do not accuse or judge, simply state the facts. In most cases, the facts speak for themselves.
- ✓ Avoid using stereotypes or stigmatizing language
- ✓ Try to find out what the background of your source is. It may help you to get a good balance of sources and identify where there may be bias in a statement

committed by others with different political allegiances – namely members of the political opposition.

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APPENDIX

Appendix 1: Example of Completed Case Reporting Form

Person Information
<p>1. Victim: Individual <input checked="" type="checkbox"/> Group/organization <input type="checkbox"/> Specify number.....</p> <p>Name of Victim: Svay Khiev, Sex: F, Age: 45, Nationality: Khmer, Citizen: Khmer Marital Status: 1. Single <input type="checkbox"/> 2. Married <input checked="" type="checkbox"/> 3. Widow/widower <input type="checkbox"/> Home Address: Village Samrith Commune: Prak District Meas Province: Pichr Tel: 011 123 456, Political tendency: Unknown Occupation: Farmer, Work Address: Village Samrith, Commune: Prak, District: Meas, Province: Pichr Type of Victim: 1. Activist <input checked="" type="checkbox"/> 2. Villager <input type="checkbox"/> 3. Employee <input type="checkbox"/> 4. Journalist <input type="checkbox"/> 5. Civil Servant <input type="checkbox"/> 6. Lawyer <input type="checkbox"/> 7. Law Maker <input type="checkbox"/> 8. Other Please Specify <input type="checkbox"/>..... Does the victim agree to share his/her name to media or authorities? 1. Yes <input checked="" type="checkbox"/> 2. No <input type="checkbox"/> Does the victim agree to share his/her information to media or authorities? 1. Yes <input checked="" type="checkbox"/> 2. No <input type="checkbox"/> Other comment: Svay Khiev was told by the local authorities to not inform community members about the legal training session. She would be arrested if she keeps informing other community member about the up-coming training.</p>
<p>2. Victim: Individual <input checked="" type="checkbox"/> Group/organization <input type="checkbox"/> Specify number.....</p> <p>Name of Victim: Khmao Srors, Sex: F, Age: 41, Nationality: Khmer, Citizen: Khmer Marital Status: 1. Single <input type="checkbox"/> 2. Married <input checked="" type="checkbox"/> 3. Widow/widower <input type="checkbox"/> Home Address: Village Chamkar Svay, Commune: Prak District: Meas Province: Pichr Tel: 099 999 999 Political tendency: Unknown Occupation: Farmer, Work Address: Village Chamkar Svay, Commune: Prak, District: Meas, Province: Pichr Type of Victim: 1. Activist <input type="checkbox"/> 2. Villager <input checked="" type="checkbox"/> 3. Employee <input type="checkbox"/> 4. Journalist <input type="checkbox"/> 5. Civil Servant <input type="checkbox"/> 6. Lawyer <input type="checkbox"/> 7. Law Maker <input type="checkbox"/> 8. Other <input type="checkbox"/> Please Specify..... Does the victim agree to share his/her name to media or authorities? 1. Yes <input checked="" type="checkbox"/> 2. No <input type="checkbox"/> Does the victim agree to share his/her information to media or authorities? 1. Yes <input checked="" type="checkbox"/> 2. No <input type="checkbox"/> Other comment: Khmao Srors and other ten people were prevented by the commune police from attending the legal training</p>
<p>3. Victim: Individual <input checked="" type="checkbox"/> Group/organization <input type="checkbox"/> Specify number.....</p> <p>Name of Victim: Sam Suon, Sex: F, Age: 72, Nationality Khmer, Citizen Khmer Marital Status: 1. Single <input type="checkbox"/> 2. Married <input type="checkbox"/> 3. Widow/widower <input checked="" type="checkbox"/> Home Address: Village Chamkar Svay, Commune: Prak District: Meas, Province: Pichr Tel: Political tendency: Unknown Occupation: Farmer, Work Address: Village Chamkar Svay, Commune: Prak District: Meas, Province: Pichr Type of Victim: 1. Activist <input type="checkbox"/> 2. Villager <input checked="" type="checkbox"/> 3. Employee <input type="checkbox"/> 4. Journalist <input type="checkbox"/> 5. Civil Servant <input type="checkbox"/> 6. Lawyer <input type="checkbox"/> 7. Law Maker <input type="checkbox"/> 8. Other <input type="checkbox"/> Please Specify..... Does the victim agree to share his/her name to media or authorities? 1. Yes <input checked="" type="checkbox"/> 2. No <input type="checkbox"/> Does the victim agree to share his/her information to media or authorities? 1. Yes <input checked="" type="checkbox"/> 2. No <input type="checkbox"/> Other comment: Elderly lady Sam Suon was slapped by the commune police official Mr. Veba</p>

4. Victim: Individual <input checked="" type="checkbox"/> Group/organization <input type="checkbox"/> Specify number.....
<p>Name of Victim: Serey, Sex: M, Age: 43, Nationality: Khmer, Citizen: Khmer Marital Status: 1. Single <input type="checkbox"/> 2. Married <input checked="" type="checkbox"/> 3. Widow/widower <input type="checkbox"/> Home Address: Village: Slaeng Roleung Commune: Teuk Thla, District: Sen Sok, Province: Phnom Penh. Tel: 023 000 111, Political tendency: Unknown. Occupation: Project Coordinator, Work Address: Reastr and Chhbab Organisation – Phnom Penh Type of Victim: 1. Activist <input type="checkbox"/> 2. Villager <input type="checkbox"/> 3. Employee <input type="checkbox"/> 4. Journalist <input type="checkbox"/> 5. Civil Servant <input type="checkbox"/> 6. Lawyer <input type="checkbox"/> 7. Law Maker <input type="checkbox"/> 8. Other <input checked="" type="checkbox"/> Human Rights Defender... Does the victim agree to share his/her name to media or authorities? 1. Yes <input checked="" type="checkbox"/> 2. No <input type="checkbox"/> Does the victim agree to share his/her information to media or authorities ? 1. Yes <input checked="" type="checkbox"/> 2. No <input type="checkbox"/> Other comment: Serey was threatened to arrest for abusing public order and incitement.</p>
5. Victim: Individual <input type="checkbox"/> Group/organization <input checked="" type="checkbox"/> Specify number: Ten people
<p>Name of Victim: Chamkarsvay villagers, Sex.....Age.....Nationality: Khmer, Citizen: Khmer Marital Status: 1. Single <input type="checkbox"/> 2. Married <input type="checkbox"/> 3. Widow/widower <input type="checkbox"/> Home Address: Village Chamkar Svay, Commune Prak, District Meas, Province: Pichr Tel: Political tendency: Unknown Occupation: Farmer, Work Address: Village Chamkar Svay, Commune Prak, District Meas, Province: Pichr Type of Victim: 1. Activist <input type="checkbox"/> 2. Villager <input checked="" type="checkbox"/> 3. Employee <input type="checkbox"/> 4. Journalist <input type="checkbox"/> 5. Civil Servant <input type="checkbox"/> 6. Lawyer <input type="checkbox"/> 7. Law Maker <input type="checkbox"/> 8. Other <input type="checkbox"/> Please Specify..... Does the victim agree to share his/her name to media or authorities? 1. Yes <input type="checkbox"/> 2. No <input checked="" type="checkbox"/> Does the victim agree to share his/her information to media or authorities ? 1. Yes <input checked="" type="checkbox"/> 2. No <input type="checkbox"/> Other comment: The ten people were prevented by the commune police from attending the legal training.</p>
6. Perpetrator: Individual <input checked="" type="checkbox"/> Group/organization <input type="checkbox"/> Specify number.....
<p>Name of Perpetrator: Rung Roeung, Sex M, Age: Unknown, Nationality: Khmer, Citizen: Khmer Marital Status: 1. Single <input type="checkbox"/> 2. Married <input checked="" type="checkbox"/> 3. Widow/widower <input type="checkbox"/> Home Address: Village.....Commune..... DistrictProvince: Pichr Tel: 091 876 543 Political tendency: Reach Damrey Party Occupation: Provincial Governor, Work Address: Pichr Provincial Hall Type of Perpetrator: 1. Village officer <input type="checkbox"/> 2. Commune Officer <input type="checkbox"/> 3. District Officer <input type="checkbox"/> 4. Provincial Officer <input checked="" type="checkbox"/> 5. National officer <input type="checkbox"/> 6. Police <input type="checkbox"/> 7. Military Police <input type="checkbox"/> 8. Armed Force <input type="checkbox"/> 9. Prison officer <input type="checkbox"/> 10. Court <input type="checkbox"/> 11. Law Maker <input type="checkbox"/> 12. Private Security <input type="checkbox"/> 13. Developers <input type="checkbox"/> 14. Employers <input type="checkbox"/> 15. Crow Mob <input type="checkbox"/> 16. Unknown <input type="checkbox"/> 17. Other Specify <input type="checkbox"/>..... Other Comments: Rung Roeung called Serey for questioning and accused the later of abusing public order because the later did not yet received the permission in advance from the local authorities to conduct the training</p>
7. Perpetrator: Individual <input checked="" type="checkbox"/> Group/organization <input type="checkbox"/> Specify number.....
<p>Name of Perpetrator: Sovann, Sex: M, Age: Unknown, Nationality: Khmer, Citizen: Khmer Marital Status: 1. Single <input type="checkbox"/> 2. Married <input checked="" type="checkbox"/> 3. Widow/widower <input type="checkbox"/></p>

<p>Home Address: Village..... Commune: Prak District: Meas Province: Pichr</p> <p>Tel: 091 000 111 Political tendency: Reach Damrey party</p> <p>Occupation: Chief of Commune, Work Address: Prak Commune Office</p> <p>Type of Perpetrator: 1. Village officer <input type="checkbox"/> 2. Commune Officer <input checked="" type="checkbox"/> 3. District Officer <input type="checkbox"/></p> <p>4. Provincial Officer <input type="checkbox"/> 5. National officer <input type="checkbox"/> 6. Police <input type="checkbox"/> 7. Military Police <input type="checkbox"/></p> <p>8. Armed Force <input type="checkbox"/> 9. Prison officer <input type="checkbox"/> 10. Court <input type="checkbox"/> 11. Law Maker <input type="checkbox"/></p> <p>12. Private Security <input type="checkbox"/> 13. Developers <input type="checkbox"/> 14. Employers <input type="checkbox"/> 15. Crow Mob <input type="checkbox"/></p> <p>16. Unknown <input type="checkbox"/> 17. Other Specify <input type="checkbox"/>.....</p> <p>Other Comments: Sovann allegedly ordered Samrith village chief to call community member for questioning over the proposed legal training. Sovann also the main person who halt the training course.</p>
<p>8. Perpetrator: Individual <input checked="" type="checkbox"/> Group/organization <input type="checkbox"/> Specify number.....</p>
<p>Name of Perpetrator: San Yann, Sex M, Age: Unknown, Nationality: Khmer, Citizen: Khmer.</p> <p>Marital Status: 1. Single <input type="checkbox"/> 2. Married <input checked="" type="checkbox"/> 3. Widow/widower <input type="checkbox"/></p> <p>Home Address: Village..... Commune: Prak, District: Meas, Province: Pichr</p> <p>Tel: Unknown Political tendency: Unknown</p> <p>Occupation: Meas District Police Chief, Work Address: Meas District Police Office</p> <p>Type of Perpetrator: 1. Village officer <input type="checkbox"/> 2. Commune Officer <input type="checkbox"/> 3. District Officer <input type="checkbox"/></p> <p>4. Provincial Officer <input type="checkbox"/> 5. National officer <input type="checkbox"/> 6. Police <input checked="" type="checkbox"/> 7. Military Police <input type="checkbox"/></p> <p>8. Armed Force <input type="checkbox"/> 9. Prison officer <input type="checkbox"/> 10. Court <input type="checkbox"/> 11. Law Maker <input type="checkbox"/></p> <p>12. Private Security <input type="checkbox"/> 13. Developers <input type="checkbox"/> 14. Employers <input type="checkbox"/> 15. Crow Mob <input type="checkbox"/></p> <p>16. Unknown <input type="checkbox"/> 17. Other Specify <input type="checkbox"/>.....</p> <p>Other Comments: Sann Yann led a group of armed force to stop the proposed training</p>
<p>9. Perpetrator: Individual <input checked="" type="checkbox"/> Group/organization <input type="checkbox"/> Specify number.....</p>
<p>Name of Perpetrator: Dara Sex: M, Age: Unknown, Nationality: Khmer, Citizen: Khmer</p> <p>Marital Status: 1. Single <input type="checkbox"/> 2. Married <input checked="" type="checkbox"/> 3. Widow/widower <input type="checkbox"/></p> <p>Home Address: Village..... Commune: Prak, District: Meas, Province: Pichr</p> <p>Tel: Unknown, Political tendency: Unknown</p> <p>Occupation: Commune Police Official, Work Address: Prak Administration Police Office.</p> <p>Type of Perpetrator: 1. Village officer <input type="checkbox"/> 2. Commune Officer <input type="checkbox"/> 3. District Officer <input type="checkbox"/></p> <p>4. Provincial Officer <input type="checkbox"/> 5. National officer <input type="checkbox"/> 6. Police <input checked="" type="checkbox"/> 7. Military Police <input type="checkbox"/></p> <p>8. Armed Force <input type="checkbox"/> 9. Prison officer <input type="checkbox"/> 10. Court <input type="checkbox"/> 11. Law Maker <input type="checkbox"/></p> <p>12. Private Security <input type="checkbox"/> 13. Developers <input type="checkbox"/> 14. Employers <input type="checkbox"/> 15. Crow Mob <input type="checkbox"/></p> <p>16. Unknown <input type="checkbox"/> 17. Other <input type="checkbox"/> Please Specify.....</p> <p>Other Comments: prohibited and threatened community members from other village to not attend the training in Samrith village.</p>
<p>10. Perpetrator: Individual <input checked="" type="checkbox"/> Group/organization <input type="checkbox"/> Specify number.....</p>
<p>Name of Perpetrator: Chann, Sex: M, Age: unknown, Nationality: Khmer, Citizen: Khmer</p> <p>Marital Status: 1. Single <input type="checkbox"/> 2. Married <input checked="" type="checkbox"/> 3. Widow/widower <input type="checkbox"/></p> <p>Home Address: Village..... Commune: Prak, District: Meas, Province: Pichr</p> <p>Tel: Unknown, Political tendency: Reach Damrey Party</p> <p>Occupation: Commune Police Official, Work Address: Prak Administration Police Office</p> <p>Type of Perpetrator: 1. Village officer <input type="checkbox"/> 2. Commune Officer <input type="checkbox"/> 3. District Officer <input type="checkbox"/></p> <p>4. Provincial Officer <input type="checkbox"/> 5. National officer <input type="checkbox"/> 6. Police <input checked="" type="checkbox"/> 7. Military Police <input type="checkbox"/></p> <p>8. Armed Force <input type="checkbox"/> 9. Prison officer <input type="checkbox"/> 10. Court <input type="checkbox"/> 11. Law Maker <input type="checkbox"/></p>

<p>12. Private Security <input type="checkbox"/> 13. Developers <input type="checkbox"/> 14. Employers <input type="checkbox"/> 15. Crow Mob <input type="checkbox"/> 16. Unknown <input type="checkbox"/> 17. Other <input type="checkbox"/> Please Specify.....</p> <p>Other Comments: prohibited and threatened community members from other village to not attend the training in Samrith village</p>
<p>11. Perpetrator: Individual <input checked="" type="checkbox"/> Group/organization <input type="checkbox"/> Specify number.....</p> <p>Name of Perpetrator: Veha, Sex: M, Age: Unknown, Nationality: Khmer, Citizen: Khmer Marital Status: 1. elgniS <input type="checkbox"/> 2. Married <input checked="" type="checkbox"/> 3. Widow/widower <input type="checkbox"/> Home Address: Village.....Commune: Prak, District: Meas, Province: Pichr Tel: Unknown, Political tendency: Reach Damrey Party Occupation: Commune Police Official, Work Address: Prak Administration Police Office Type of Perpetrator: 1.Village officer <input type="checkbox"/> 2. Commune Officer <input type="checkbox"/> 3. District Officer <input type="checkbox"/> 4.Provincial Officer<input type="checkbox"/> 5.National officer <input type="checkbox"/> 6. Police <input checked="" type="checkbox"/> 7. Military Police <input type="checkbox"/> 8. Armed Force <input type="checkbox"/> 9.Prison officer <input type="checkbox"/> 10. Court <input type="checkbox"/> 11. Law Maker <input type="checkbox"/> 12. Private Security <input type="checkbox"/> 13. Developers <input type="checkbox"/> 14.Employers <input type="checkbox"/> 15. Crow Mob <input type="checkbox"/> 16. Unknown <input type="checkbox"/> 17. Other Specify <input type="checkbox"/>.....</p> <p>Other Comments: Veha allegedly an elderly lady Sam Suon, and prohibited and threatened community members from other village to not attend the training in Samrith village</p>
<p>12. Perpetrator: Individual <input type="checkbox"/> Group/organization <input checked="" type="checkbox"/> Specify number: 10 people</p> <p>Name of Perpetrator: A group of armed force, Sex..... Age Nationality: Khmer, Citizen: Khmer Marital Status: 1 .Single <input type="checkbox"/> 2. Married <input type="checkbox"/> 3. Widow/widower <input type="checkbox"/> Home Address: Village.....Commune..... District: Meas, Province: Pichr Tel: Unknown, Political tendency: Unknown Occupation: Commune Police Official, Work Address: Prak Administration Police Office Type of Perpetrator: 1. Village officer <input type="checkbox"/> 2. Commune Officer <input type="checkbox"/> 3. District Officer <input type="checkbox"/> 4. Provincial Officer <input type="checkbox"/> 5. National officer <input type="checkbox"/> 6. Police <input type="checkbox"/> 7. Military Police <input type="checkbox"/> 8. Armed Force <input checked="" type="checkbox"/> 9. Prison officer<input type="checkbox"/> 10. Court <input type="checkbox"/> 11. Law Maker <input type="checkbox"/> 12. Private Security <input type="checkbox"/> 13. Developers <input type="checkbox"/> 14. Employers <input type="checkbox"/> 15. Crow Mob <input type="checkbox"/> 16. Unknown <input type="checkbox"/> 17. Other <input type="checkbox"/> Please Specify.....</p> <p>Other Comments: the group was equipped with guns, and frighten community members not attend the training</p>
<p>13. Source of information: Individual <input checked="" type="checkbox"/> Group/organization <input type="checkbox"/> Specify number.....</p> <p>Name of Source of Information: Svay Khiev, Sex: F, Age: 45, Nationality: Khmer, Citizen: Khmer Marital Status: 1. Single <input type="checkbox"/> 2. Married <input checked="" type="checkbox"/> 3. Widow/widower <input type="checkbox"/> Home Address: Village: Samrith, Commune: Prak, District: Meas, Province: Pichr Tel: 011 123 456, Political tendency: Unknown Occupation: Farmer, Work Address: Village: Samrith, Commune: Prak, District: Meas, Province: Pichr Type of Source of Information: 1. Victim <input checked="" type="checkbox"/> 2. Colleague at work of victim <input type="checkbox"/> 3. Relative of victims <input type="checkbox"/> 4. Perpetrator <input type="checkbox"/> 5. Colleague at work of perpetrator <input type="checkbox"/> 6. Relatives of perpetrator <input type="checkbox"/> 7. Witness<input type="checkbox"/> 8. Provider of layer, medical and financial service to the victim <input type="checkbox"/> 9. Reporter <input type="checkbox"/> 10. Unknown <input type="checkbox"/> 11. Other Please specify <input type="checkbox"/>.....</p> <p>Does the Does this person agree to share his/her name to media or authorities? 1. Yes <input checked="" type="checkbox"/> 2. No <input type="checkbox"/> Does this person agree to share his/her information to media or authorities? 1. Yes <input checked="" type="checkbox"/> 2. No <input type="checkbox"/></p>

Other comments: Svay Khiev is also the human rights activist in the community.
14. Source of information: Individual <input checked="" type="checkbox"/> Group/organization <input type="checkbox"/> Specify number.....
Name of Source of Information: Khmao Srors, Sex: F, Age: 41, Nationality: Khmer, Citizen: Khmer Marital Status: 1. Single <input type="checkbox"/> 2. Married <input checked="" type="checkbox"/> 3. Widow/widower <input type="checkbox"/> Home Address: Village: Chamkar Svay, Commune: Prak, District: Meas, Province: Pichr Tel: 099 999 999, Political tendency: Unknown Occupation: Farmer, Work Address: Village: Chamkar Svay, Commune: Prak, District: Meas, Province: Pichr Type of Source of Information: 1. Victim <input checked="" type="checkbox"/> 2. Colleague at work of victim <input type="checkbox"/> 3. Relative of victims <input type="checkbox"/> 4. Perpetrator <input type="checkbox"/> 5. Colleague at work of perpetrator <input type="checkbox"/> 6. Relatives of perpetrator <input type="checkbox"/> 7. Witness <input type="checkbox"/> 8. Provider of layer, medical and financial service to the victim <input type="checkbox"/> 9. Reporter <input type="checkbox"/> 10. Unknown <input type="checkbox"/> 10. Other <input type="checkbox"/> Please Specify..... Does the Does this person agree to share his/her name to media or authorities? 1. Yes <input type="checkbox"/> 2. No <input checked="" type="checkbox"/> Does this person agree to share his/her information to media or authorities ? 1. Yes <input checked="" type="checkbox"/> 2. No <input type="checkbox"/> Other comments: Khmao Srors and her follow members were prevented by the commune police officials from attending the training

Event Information

1. Summary Event Information :

1.1 Event Title (concise, memorable etc): **Authorities banned legal training and allegedly threatened community members**

1.2 Place of Event: Village: **Samrith**, Commune: **Prak**, District: **Meas**, Province: **Pichr**

1.3 Start Date: **January 10, 2011** End Date: **January 18, 2011**

2. Act in the Event (Please brief 'Who did what to whom' in the event)

2.1. Date Dd/Mm/Yy	2.2. Perpetrators (Name as individual and group)	2.3. Type of Acts	2.4. Victim (Name as individual and group)
15/01/11	Authorities	Violation of the rights to assembly/gather in terms of direct action (Limitation on assemblies/gathering in public)	Reastr and Chhab Organization, as well as the community members attempted to attend the legal training
15/01/11	Chief of Samrith village	Violation of the rights to assembly/gather in terms of direct action (banning of groups)	Samrith villagers
15/01/11	Sovann	Violation of the rights to assembly/gather in terms of direct action	Svay Khiev
15/01/11	Sovann	Threaten to arrest	Svay Khiev
17/01/11	Dara, Chan, Vaha	Violation of the rights to assembly/gather in terms of direct action	10 Chamkar Svay villagers
17/01/11	Dara, Chan, Vaha	Violation of the rights to freedom of movement	10 Chamkar Svay villagers
17/01/11	Dara, Chan, Vaha	Violation of the rights to information	10 Chamkar Svay villagers
17/01/11	Dara, Chann, Vaha	Violation of the rights to assembly/gather in terms of direct action	Sam Suon
17/01/11	Dara, Chann, Vaha	Violation of the rights to freedom of movement	Sam Suon
17/01/11	Dara, Chann, Vaha	Violation of the rights to information	Sam Suon
17/01/11	Dara, Chann, Vaha	Physical assault	Sam Suon
17/01/11	Dara, Chann, Vaha	Violation of the rights to assembly/gather in terms of direct action	Khmao Srors
17/01/11	Dara, Chann, Vaha	Violation of the rights to freedom of movement	Khmao Srors

17/01/11	Dara, Chann, Vaha	Violation of the rights to information	Khmao Srors
17/01/11	Sann Yann and a group of armed forces	Violation of the rights to assembly/gather in terms of direct action	15 Samrith villagers
17/01/11	Sann Yann and a group of armed forces	Violation of the rights to information	15 Samrith villagers
17/01/11	Sann Yann and a group of armed forces	Violation of the rights to assembly/gather in terms of direct action	Serey
17/01/11	Sann Yann and a group of armed forces	Violation of the rights to freedom of expression (Misuse of criminal charge to stifle free speech)	Serey
17/01/11	Sann Yann and a group of armed forces	Threaten	Serey
18/01/11	Rung Roeung	Violation of the rights to assembly/gather in terms of direct action	Serey
18/01/11	Rung Roeung	Violation of the rights to freedom of expression and information (Misuse of criminal charge to stifle free speech)	Serey
18/01/11	Sovann	Violation of the rights to assembly/gather in terms of direct action	Svay Khiev

3. Last Case Status: The authorities banned the proposed legal training saying that it would be affect the public order and that the organizer did not received the permission from the local authorities yet.

4. If it is Land Case, please fill information below:

a. Size affected:b . Type of Land dispute:

c. ytraP Involved: d. Number of Victims:

5. Event Description (Please describe what happened in as much detail as possible)

On January 10, 2011, the Reastr and Chhbab (Citizen and Law) Organization (“RACO”) sent a letter to the Pichr Provincial Governor informing him that the organization would be providing a free training workshop on land rights to community members in the remote Samrith village, Prak commune, Meas district, Pichr province. In addition, local authorities were informed verbally by community members that the event was taking place.

The workshop was scheduled for January 17th and intended as a platform for community members to provide an opportunity for concerns to be raised, particularly in relation to the increased frequency of economic land concessions and lack of consultation with the community.

Two days prior to the scheduled event, authorities informed RACO that they would prevent them from holding the training workshop. In the meantime, community members were summoned individually by the village chief, under direct orders from the commune chief, for questioning over the proposed training and instructed not to attend the training session.

Mrs. Svay Khiev, 45, a human rights activist living in the above village, said that she was warned by the commune chief, Mr. Sovan, that if, she continued to inform other community member about the training session, she would be arrested for inciting others to oppose the government.

Commune police (Mr. Dara, 45, Mr. Chann, 37 and Mr. Vaha, 47) prevented people from the neighboring Chamkar Svay village from participating in the training session, such that there were only about 15 people in attendance on the day. Mrs. Khmao Srors, 41, from Chamkar Svay village, said, by telephone, that she and ten others from her village were stopped and asked to show their driving licenses by commune police officers Mr. Dara and Mr. Chann on their way to the event. Mr. Vaha then slapped an elderly lady named Sam Suon, 72, from the same village.

Ten minutes into the training session a group of armed forces, led by district police chief Mr. San Yann, arrived. The session was halted and the police immediately began arguing with and questioned the organizer of the event, Mr. Serey. San Yann said that he stopped the event because its organizer had not received the requisite advance permission from local authorities. Furthermore, San Yann used rude and threatening words and said that Mr Serey would be arrested if he dared to hold the training session. Despite the legal arguments put forward by the organizer, police still refused to allow them to provide the scheduled training.

On January 18, 2011, Serey was questioned by Provincial Governor Rung Roeung. Mr. Rung Roeung accused Mr. Serey of abusing public order and inciting community members to oppose the government-approved economic land concession granted to a foreign company. On the same day, Ms Svay Khiev was called by the commune chief who told her to cease contact with RACO, and to ask permission first if she wants to attend the RACO's legal training sessions in other provinces.

Completed by (Name): **Puthivong**, Date filled in: Day **20** , Month **September**, Year **2011** .

**“Never doubt that a small group of
thoughtful, committed citizens can
change the world; indeed, it’s the only
thing that ever has.”**

Margaret Mead

