

For Immediate Release

Cambodia: Casino Union Leader Chhim Sithar and Strikers Convicted

Chhim Sithar Sentenced to Two Years; Eight Others Receive Up to One and a Half Years

(Bangkok, 25 May 2023) – Cambodian authorities should immediately quash the convictions and unconditionally release Chhim Sithar, leader of Labor Rights Supported Union (LRSU) of Khmer Employees of NagaWorld, and eight other fellow union members or former members, Amnesty International, Human Rights Watch and the Australian Council of Trade Unions (ACTU) said today. The union members were prosecuted solely for exercising their basic rights to freedom of expression, association and peaceful assembly.

On 25 May 2023, a Phnom Penh court found the trade unionists guilty of “incitement to commit a felony or disturb social security” under criminal code articles 494 and 495, and sentenced Sithar to two years in prison and the other union members to between one to one and a half years. Only Sithar was transferred to prison while the others received suspended sentences or terms of judicial supervision. These politically motivated charges arose directly from Sithar and the LRSU’s work defending workers’ rights and constitute a blatant violation of Cambodia’s obligations under international human rights law.

“The convictions of Chhim Sithar and the others is a blatant attack on unions and workers fighting for their fundamental rights,” said Montse Ferrer, Amnesty International’s Interim Deputy Regional Director for Research. “This verdict is a reminder that the Cambodian government would rather side with corporations than protect the rights of its people.”

In April 2021, NagaWorld, a Hong Kong listed company that operates the sole legal casino in Phnom Penh, laid off 1,329 casino workers, including the union leadership, prompting workers to allege they were unfairly dismissed and leading to strike actions that continue until the present.

Cambodian authorities have commonly used the bogus charge of “incitement to commit a felony” against union members undertaking a strike action as part of broader government efforts to crack down on dissent.

“From the very start of the casino workers’ strike, the Cambodian government has sided with NagaWorld management to persecute Chhim Sithar and the union’s leaders and crush the strike,” said Phil Robertson, deputy Asia director at Human Rights Watch. “Instead of respecting workers’ rights to freedom of association, bargain collectively, and strike, the government has used every repressive trick in the book to intimidate their union.”

The authorities initially charged Sithar on 3 January 2022, with the crime of “incitement to commit a felony or disturb social security.” The following day, plainclothes security officials approached Sithar in a crowd and violently arrested her by grabbing her around the neck and dragging her into a car as she attempted to join the ongoing strike action.

Sithar was held for 74 days in pre-trial detention before being released on bail in March. The authorities re-arrested Sithar on 26 November 2022 as she returned to Cambodia after participating in the World Congress of the International Trade Union Confederation (ITUC), hosted by the ACTU in Melbourne, for violating bail conditions on international travel. Neither she nor her lawyer had been informed about the travel restrictions, and she had travelled to Thailand in September and October without consequences.

“The Australian union movement condemns the verdict against Chhim Sithar and her fellow unionists. This is a clear case of the Cambodian government waging an anti-union campaign against Chhim Sithar and her union, the LRSU,” said ACTU President Michele O’Neil. “We stand in solidarity with Chhim Sithar and the LRSU and call on the Cambodian government to release her immediately, stop persecuting trade unionists and respect workers’ rights to freedom of association.”

Amnesty International, Human Rights Watch, and the ACTU are extremely concerned that the re-arrest of Sithar, and subsequent conviction, stems in part from her meeting with other trade unions and the peaceful exercise of her rights to freedom of expression and association. The imprisonment of a union leader also undermines workers’ rights to organize, bargain collectively and take industrial action.

'A State obligation to protect rights of workers'

The Cambodian authorities have attacked, harassed, arbitrarily arrested and ultimately imprisoned members of the LRSU. After NagaWorld laid off the 1,329 casino workers in April 2021 and the workers engaged in a peaceful, well-publicized strike, the police physically assaulted and arrested striking workers. NagaWorld filed baseless criminal complaints against those arrested in an attempt to intimidate other union members.

Under international human rights law and standards, workers cannot be discriminated against or targeted for participating in trade union activities. This protection against anti-union discrimination includes not being dismissed for participating in union activity. The Cambodian government has an obligation under international human rights law not only to respect the rights of workers but also to protect these rights from abuse by private actors.

These obligations are enshrined in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as well as in International Labour Organization (ILO) Convention No. 87, which protects the right to freedom of association, and ILO Convention No. 98 on the right to organize and collectively bargain. Cambodia has ratified all of these above-mentioned instruments.

The harassment of LRSU has gone beyond Sithar and her co-defendants, the organizations said. In January 2022, authorities arrested 28 additional members of the LRSU. The next month, six LRSU members were arrested as they left a Covid-19 testing site, following a government order that all those involved in the NagaWorld strike action should be tested for Covid-19.

The authorities later charged three of those workers with “obstruction of Covid-19 measures” under Covid-19 regulations introduced in 2021, which carry a prison sentence of up to 20 years.

While those workers were released on bail, the charges against them are still pending. In September 2022, NagaWorld also filed criminal complaints against four LRSU members for trespassing, aggravated intentional damage, and unlawful confinement.

The authorities have also used unlawful force against members of the LRSU. On at least two occasions, police violently attacked strikers peacefully exercising their rights, punching, kicking and hitting them with walkie-talkies, injuring at least 17 women, one of whom was hospitalized.

Amnesty International, Human Rights Watch and the ACTU call upon the Cambodian authorities to immediately quash the convictions and unconditionally release Chhim Sithar and her fellow union members who have been detained solely for their defense of workers' rights. Cambodia should bring its laws and regulations into full compliance with international human rights laws, including the provisions of ILO Conventions No. 87 and 98 that it has ratified, thereby guaranteeing the rights to freedom of association and to organize and collectively bargain across the country.

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