



ATTACKS & THREATS AGAINST HUMAN RIGHTS DEFENDERS IN CAMBODIA 2008-2009

A LICADHO Briefing Paper
September 2010



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LICADHO

CAMBODIAN LEAGUE FOR THE PROMOTION
AND DEFENSE OF HUMAN RIGHTS

Cambodian League for the Promotion and Defense of Human Rights (LICADHO)

LICADHO is a national Cambodian human rights organization. Since its establishment in 1992, LICADHO has been at the forefront of efforts to protect civil, political, economic and social rights in Cambodia and to promote respect for them by the Cambodian government and institutions. Building on its past achievements, LICADHO continues to be an advocate for the Cambodian people and a monitor of the government through wide ranging human rights programs from its main office in Phnom Penh and 12 provincial offices.

LICADHO pursues its activities through two programs:

Monitoring and Protection Program:

- **Monitoring of State Violations and Women's and Children's Rights:** monitors collect and investigate human rights violations perpetrated by the State and violations made against women and children. Victims are provided assistance through interventions with local authorities and court officials.
- **Paralegal and Legal Representation:** victims are provided legal advice by a paralegal team and, in key cases, legal representation by human rights lawyers.
- **Prison Monitoring:** researchers monitor 18 prisons to assess prison conditions and ensure that pre-trial detainees have access to legal representation.
- **Medical Assistance:** a medical team provides assistance to prisoners and prison officials in 12 prisons, victims of human rights violations and families in resettlement sites.
- **Social Work:** staff conduct needs assessments of victims and their families and provide short-term material and food.

Promotion and Advocacy Program:

- **Training and Information:** advocates raise awareness to specific target groups, support protection networks at the grassroots level and advocate for social and legal changes with women, youths and children.
- **Public Advocacy and Outreach:** human rights cases are compiled into a central electronic database, so that accurate information can be easily accessed and analyzed, and produced into periodic public reports (written, audio and visual).

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Content

EXECUTIVE SUMMARY	1
INTRODUCTION.....	4
WHO ARE HUMAN RIGHTS DEFENDERS?.....	4
HOW ARE HUMAN RIGHTS DEFENDERS PROTECTED?	4
BACKGROUND	6
GOVERNMENT LINE ON HUMAN RIGHTS	6
PROGRESS SINCE 2007.....	7
EMERGENT TRENDS IN THREATS TO HUMAN RIGHTS DEFENDERS IN 2008 AND 2009.....	11
1. USE OF THE COURTS AS A WEAPON TO PREVENT HUMAN RIGHTS ACTIVISM: THREATS OF LEGAL ACTION, ILLEGAL ARREST AND DETENTION, AND RELEASE ON BAIL.....	11
2. DEFAMATION AND DISINFORMATION: THE DENIAL OF FREEDOM OF EXPRESSION	13
3. DISRUPTION OF PEACEFUL PROTESTS, DEMONSTRATIONS, STRIKES & MARCHES	14
PORTRAITS OF HUMAN RIGHTS DEFENDERS.....	16
1. VENERABLE LUON SOVATH.....	16
The Chi Kreng Land Grab	16
Multimedia Monk.....	17
The Trial.....	18
The Verdict	18
The Aftermath and Current Threat.....	20
2. MR. HANG CHAKRA.....	20
Early Career.....	21
His Own Paper.....	22
The Voice of Khmer National Patriots.....	22
The Courts Intervene.....	23
Prison and Pardon.....	25
The Aftermath.....	25
The Cost of Freedom of Expression	26
3- MR. YOU THO.....	26
The Land Struggle	27
The Arrest and Repercussions	28
Leadership	29
Hope for the Future.....	30
RECOMMENDATIONS.....	32
ANNEX1: Human Rights Defenders in Cambodia January 2008 - December 2008.....	33
ANNEX 2: Human Rights Defenders in Cambodia January 2009 - December 2009	50
ANNEX 3: List of Human Rights Defenders Detained in Cambodian Prisons.....	65

“Community representatives continue to be arrested, charged and imprisoned because of their efforts to assist fellow villagers to protect their land,” said LICADHO president Kek Galabru. “Frequently there is no justification whatsoever for the charges against them - the law is simply misused as a weapon to try to intimidate their communities into giving up land.”

29 October 2008¹

EXECUTIVE SUMMARY

Since 2007, the human rights abuses and violence encountered by human rights defenders in Cambodia have continued unchecked. Respect for the rights of human rights defenders has continued to deteriorate with dramatic setbacks in press freedom, misuse of the justice system to silence government critics, and the imposition of harsh new restrictions on peaceful protests.²

LICADHO has continued to monitor the situation closely in order to provide a report that analyzes the current challenges faced by human rights defenders in Cambodia on a daily basis. Investigations have confirmed that Cambodia remains a dangerous place for human rights defenders.

In 2008 and 2009 representatives of communities engaged in land disputes were threatened with violence, spurious legal action or imprisonment; trades union leaders were assaulted, arrested and persecuted for legitimate trade union activity; and journalists and human rights workers at NGOs were threatened, arrested and obstructed in carrying out their work. The Cambodian government continues to pursue repressive tactics, terrorizing human rights defenders and undermining their ability to defend peacefully the rights of others.

While threats and attacks against human rights defenders have continued – and in some instances increased – since 2007, a number of disturbing trends have emerged.

First among these is the intensified use of the courts as a weapon to prevent the legitimate and lawful activities of human rights defenders. In 2008 and 2009 an alarmingly high number of grassroots and national human rights defenders were unlawfully arrested, prosecuted on false charges and detained. Many others were detained without charge, often without access to a lawyer and without being informed of the reasons for their arrest. This was accompanied by the use of bail as a mechanism to limit activism – authorities sometimes release human rights defenders in exchange for their promise to limit future human rights activities.

Human rights defenders released on bail were often ordered to cease their activities in land disputes, protests, demonstrations and marches, or indirectly discouraged from continuing their human rights work due to the lingering threat that their charges could be re-examined at any time. This two-pronged approach has not only deprived human rights defenders of their right to liberty and freedom from arbitrary arrest and detention, but has led to continued and unwarranted restrictions on their freedom of expression, association and assembly.

The second trend observed in 2008 and 2009 was the increased use of defamation and disinformation laws to restrict freedom of expression. While the prison sentence for criminal

¹ LICADHO press release, available at <http://licadho-cambodia.org/pressrelease.php?perm=192>

² See LICADHO's previous report on human rights defenders: Attacks and Threats Against Human Rights Defenders in Cambodia 2007: Briefing Paper August 2008

defamation under UNTAC was removed in 2006 after public advocacy by NGOs, the new criminal code reintroduces imprisonment for a number of defamation related offences. For example “slandorous denunciation” (articles 311-313) is punishable by up to one year of imprisonment. The substantive portions of the new criminal code will come into force in November 2010. In the meantime, both disinformation and defamation in the UNTAC code are often employed to stifle freedom of speech and expression through the use or threat of legal action, exposing government critics to hefty fines and prison sentences.³

In 2009 alone, at least 25 complaints were filed against journalists for defamation, disinformation and related offences.⁴ Among those convicted were four journalists, two of whom were jailed on disinformation charges: opposition editor Hang Chakra was sentenced to one year's imprisonment in June 2009, and journalist Ros Sokhet was sentenced to two years' imprisonment in November 2009.⁵

In July 2009 editor Dam Sith closed *Moneaksekar Khmer*, one of Cambodia's oldest opposition papers, to prevent further lawsuits by the government that could result in his imprisonment. He told Reporters Without Borders: “I closed because the government lawyer brought an action against me [for] over 18 articles about problems within the [Cambodian People's Party (CPP)]. I decided to apologize to the Prime Minister and stop publishing. The lawsuits were then withdrawn (...) The opposition newspapers are disappearing one by one because the people in power are threatening them with lawsuits.”⁶ This occurred one year after *Moneaksekar Khmer* journalist, Khim Sambo, was shot dead by two men after writing articles revealing the misdeeds of a senior member of the ruling CPP in the lead-up to the 2008 national election. This event exacerbated an atmosphere of fear among journalists, since no one has been brought to justice for any of the murders of journalists in Cambodia over the past two decades.

In the lead up to the 2008 national election, opposition journalist Khim Sambo was shot dead after writing articles revealing sdeeds of a senior CPP member.

Another notable development in 2008 and 2009 was the increased restriction on freedom of association and assembly, marked by the violent disruption of peaceful protests, demonstrations, marches and strikes. People wishing to participate in such events and activities must now notify municipal or regional authorities, which often ban assemblies on public order and security grounds despite the complete lack of any real threat. Restrictions on freedom of assembly were increased following the enactment on 5 December 2009 of the new Law on Peaceful Demonstrations, which severely controls public protests. Consequently, the growing number of peaceful protests in land disputes and evictions by communities throughout the country have regularly been forcibly dispersed by police, citing the need to safeguard public order and security. These three themes are the focus of this report on the attacks and threats faced by human rights defenders in Cambodia.

The erosion of human rights protections in Cambodia, the misuse of the justice system by government, the difficulties of seeking redress with official authorities when faced with

³ In May 2006, the Criminal Defamation and Libel provision contained in Article 63 of the 1992 UNTAC Criminal Code was amended to remove the prison sentences for defamation/libel, leaving only fines as punishment. However it remains a criminal offence even in the new 2009 criminal code (see section 305). In addition, a journalist who is convicted of defamation may be jailed if they cannot pay the fine, which ranges from US\$250-US\$2,500. Disinformation, by contrast, is punishable by both a fine and a prison sentence according to the UNTAC criminal code (see section 62).

⁴ Human Rights Watch, *Events of 2009*, available at <http://www.hrw.org/en/node/87393>

⁵ Ibid

⁶ Reporters Without Borders, Cambodia, February 2010, Asia Desk Report, Investigation by Vincent Brossel [hereinafter *RWB*].

injustice and impositions of harsh new restrictions on peaceful protests have led to increased desperation amongst those whose rights have been infringed.

In a number of land disputes this desperation has resulted in heated and violent confrontations between villagers and armed forces. While LICADHO strongly condemns violence from all sides, it considers that this increase in violent clashes is a foreseeable and unfortunate consequence of the ongoing land dispossession crisis in which the authorities have continually denied individuals the right to air their grievances and seek redress. In the face of threats, intimidation and violence by the Cambodian authorities against communities, some have, in frustration and what they perceive as self-defense, resorted to retaliation to protect their property rights.

Because human rights defenders are defined as using peaceful means to protect, uphold and defend human rights, attacks and threats against people defending human rights who decided to resort to violence are not included in this report.

This account is by no means a comprehensive examination of all of the attacks and threats against human rights defenders in Cambodia in the last two years, as many instances go unreported. Instead the report aims to provide a concise overview of the human rights abuses that LICADHO observed and investigated in 2008 and 2009. It also serves as a reference tool to address the attacks and threats against human rights defenders, and raise awareness about the state of human rights in Cambodia since 2007.

INTRODUCTION

Who are human rights defenders?

Human rights defenders are social actors working in their capacity as individuals or as part of a group to uphold and protect the fundamental human rights of members of their society. They use peaceful means in their attempts to protect, uphold, and defend human rights and to battle abuses. Human rights defenders are often students, NGO staff members, teachers, monks, community leaders and journalists. But it is their actions that identify them, not their profession.

In Cambodia, lawyers and government workers are occasionally human rights defenders as well, and in their activities are often held accountable as such. Cambodia's poor human rights record is illustrated in the increasing examples of governing authorities sometimes attempting to link human rights organizations to members of opposition parties. Governing authorities attempt to undermine the neutrality and impartiality of such organizations by these accusations.

Human rights defenders are defined in their actions defending the rights as set out in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). The action undertaken by human rights defenders must be directly related to these documents and to a specific action that instigated the violation of human rights in order for their case to be included in this report.

Cambodia has an increasingly active community of human rights activists and organizations that plays a crucial role in the promotion and defense of human rights.

How are human rights defenders protected?

In 1992 the Cambodian government officially committed itself to the 1991 Paris Peace Accords which provide a legal framework for protecting human rights defenders. The ratification of the ICCPR and the International Covenant on Economic, Social and Cultural Rights (ICESCR) was designed to ensure that the rights to freedom of association, assembly and expression were defended and promoted, and those who engaged in their preservation – the human rights defenders – were protected. By 1993 the UDHR was officially incorporated into the Constitution of Cambodia.

The 50th anniversary of the UDHR was marked in 1998 with the adoption by the UN General Assembly on the Declaration of the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, or, the “Declaration of Human Rights Defenders.”

The UN member states uphold the rights and protections of human rights defenders as set out in the Declaration – such as the rights to seek, obtain, receive and hold information relating to human rights or to criticize a government's non-compliance with human rights standards.

The Special Representative of the Secretary-General on Human Rights Defenders noted that the Declaration is based on legally-binding principles and rights already enshrined in existing

international human rights standards, and that since “the Declaration was adopted by consensus by the General Assembly...[it] therefore represents a very strong commitment by States to its implementation.”⁷



Workers march in front of Phnom Penh's Royal Palace on Labor Day, May 1, 2010.

⁷ For more information and the full text of the declaration, see <http://www2.ohchr.org/English/issues/defenders/declaration.htm>

BACKGROUND

Government line on human rights

In 2007, Yash Ghai, then-Special Representative of the UN Secretary-General for Human Rights in Cambodia, gave a grim assessment of the government's progress on human rights in Cambodia. He specifically noted that the government "has been hostile to organizations defending, advocating and monitoring human rights. Members of these organizations have frequently encountered the perversion of law enforcement and justice, and, on the part of State authorities, a reluctance to accept accountability, vaguely plausible denial followed by delays and obfuscation, and reliance on crimes being forgotten."⁸

Since then, the Cambodian government has continued to flout its human rights obligations.

In 2008 and 2009, the authorities continued to use the criminal justice system to silence critics, perpetuating the longstanding culture of impunity and corruption. The authorities employed a range of repressive tactics, including harassment, threats, violence, and arbitrary arrests to suppress human rights defenders. A 2009 report by the United Nations Committee on Economic, Social and Cultural Rights expressed "deep concern about the culture of violence and impunity prevalent in the State party and the repression of human rights activists defending economic, social and cultural rights, particularly those defending housing and land rights."⁹

Authorities continue to use the criminal justice system to silence critics, perpetuating the longstanding culture of impunity and corruption.

Though the government has ratified a number of UN resolutions on human rights and agreed in its own constitution to uphold them, the unfortunate reality is that the justice system regularly fails to punish offenders, and often introduces new charges and obstacles of its own going against the protection of basic rights. Human rights are undermined by the recurring failure of the authorities to adequately investigate and prosecute perpetrators of violence against human rights defenders. In 1999 the then-Special Representative, Thomas Hammarberg, wrote: "The phenomenon of impunity and its institutional expression constitutes the single most important obstacle to the effort to establish the rule of law in Cambodia."¹⁰ Since then little progress has been made in addressing the broad impunity enjoyed by members of the executive branch and their associates from penalties of the law.

The right to **freedom of association** has been undermined by persistent harassment, physical attacks and unfair dismissal of workers involved in organizing strikes for better wages and working conditions. A 2009 declaration by the International Labour Organization expressed concern over the unresolved assassinations in 2004 and 2007 of trades union leaders, and "urged the Government to ensure that trades unions were able to exercise their activities in a

⁸ Yash Ghai, Report of the Special Representative of the Secretary-General for Human Rights in Cambodia, 30 January 2007, at para. 42.

⁹ United Nations Committee on Economic, Social and Cultural Rights, Cambodia Concluding Observations, 12 June 2009, GE.09-43056, at para. 31.

¹⁰ E/CN.4/1999/101, para 45.

climate free of intimidation and risk to their personal security and their lives, and that of their families.”¹¹

In February 2008 the government passed the “**Law on the Suppression of Human Trafficking and Sexual Exploitation**” which introduced a number of charges that could be used against human rights defenders helping sex workers, and led to the immediate crackdown on some brothels in Phnom Penh and in the provinces. The Law, which allegedly aims to reduce human trafficking, empowers the authorities to target brothels, irrespective of whether they host trafficked and/or underage victims, and solicitation; it also allows them to place suspected sex workers in facilities for their “re-education”.¹² By regarding all sex workers as victims, the Law conflates women who have been trafficked with women who consent to sex work, thereby diverting attention away from traffickers. Also the law potentially criminalizes organizations that purport to assist sex workers, for example by providing safe commercial sex training for HIV prevention.¹³

Complaints to LICADHO suggest that the current “re-education” facilities are practicing unlawful detention and regularly dispense cruel, inhumane and degrading treatment with no rehabilitative benefit to those detained. Most alarmingly for human rights defenders and NGO workers however, Article 25(3) of the Law makes it a criminal offence to hinder the authorities from preventing, assisting or re-educating an individual suspected of prostitution.¹⁴ Anybody who attempts to negotiate the release of an individual forcibly placed in a detention facility could then be sentenced to between two and five years’ imprisonment according to this article.

The respect for and protection of **freedom of speech** and **freedom of expression** in the media also faltered in 2008 and 2009. Both disinformation and defamation were employed in order to expose government critics to hefty fines and prison sentences.¹⁵ In March 2009, Tieng Narith, former political science professor at Sihanouk Raja Buddhist University, was released after serving his full two and a half year sentence for disinformation. He was condemned after publishing a book critical of corruption and leadership in the Cambodian government.

A Recent Development: The Anti-Corruption Law

In March 2010 the government finally passed a draft law on the long awaited anti-corruption legislation empowering the anti-corruption body with broad powers to investigate and prosecute individuals suspected of corruption. While the law carries heavy penalties for those implicated in corruption, it also authorizes the anti-corruption body to prosecute complainants where their claims cannot be substantiated, thereby exposing complainants and human rights defenders to imprisonment and heavy fines.

Progress since 2007

The recommendations made by LICADHO in its 2007 report, “Attacks & Threats Against Human Rights Defenders in Cambodia 2007” were, like the recommendations from the 2006

¹¹ International Labour Organization, Press Release, 19 June 2009, ILO/09/41, available at http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Press_releases/lang--en/WCMS_108519/index.htm

¹² Law on the Suppression of Human Trafficking and Sexual Exploitation (2008), article 25(3)

¹³ *Ibid*, article 27.

¹⁴ *Ibid*.

¹⁵ See *supra* note 3.

report, largely ignored by the Cambodian government. A summary of the developments in human rights protections since the 2007 recommendations were released is outlined below.

- Take immediate steps to investigate and prosecute alleged perpetrators of violence and intimidation towards human rights defenders.

This has only increased. The last two years were marked by rising levels of intimidation of and violence towards those protesting land evictions, journalists and reporters, community representatives, and other human rights defenders. There continued to be a lack of protection measures to ensure human rights defenders were safeguarded. Perpetrators of violence and intimidation, often governing authorities and other powerful figures, enjoyed continued protection by the state. Known rights abusers gained increasing power in 2009 with the promotion of several military officials implicated in torture, extrajudicial killings, and political violence, including two military commanders linked to the deadly 1997 grenade attack on an opposition party rally.

- Require that the authorities at all levels cooperate with, and cease obstruction of, the activities of legitimate human rights organizations

This has also increased, with multiple NGOs such as IDEA and ADHOC facing threats and intimidation resulting in the illegal arrest and detaining of NGO monitors at the sites of evictions or protests. The anti-corruption bill passed in March 2010, instead of being legislation geared at ensuring transparency and accountability, might be used by the government as another way of attacking the credibility of NGOs. A proposed 'NGO Law' is now being pushed by the government allegedly to prevent "terrorist fronts" from hiding behind NGO protection. In reality these laws are just another way of controlling organizations that are, by name, non-governmental.

- Fully decriminalize defamation under the current criminal code (the "UNTAC Law"), and also decriminalize disinformation. Ensure that there are no criminal defamation or disinformation provisions in the forthcoming new criminal code.

In addition to intimidation, threats, and violence, the government increasingly used the judicial system to muzzle journalists, human rights defenders, and opposition party members, who increasingly faced unwarranted charges of criminal defamation and disinformation.

Known rights abusers gained increasing power in 2009 with the promotion of several military officials implicated in torture, extrajudicial killings, and political violence.

The new penal code approved in October 2009 and coming into force in November 2010, retains defamation as a criminal offense. Further, the "slandorous denunciation" provisions (articles 311-313) of the new criminal code, punishable by up to one year's imprisonment, resemble the UNTAC disinformation provision. It is also quite likely that other criminal offences such as "provocation" (articles 494-498) will be employed by courts to prosecute human rights defenders. Government critics can be criminally prosecuted for expressing their views about government institutions as well as individuals. Media defamation cases are no longer covered by the penal code but by Cambodia's 1995 Press Law, which does not carry criminal liability or imprisonment as a penalty. Journalists, however, are still prosecuted under disinformation charges.

- Make public the most recent draft of the new criminal code, and invite genuine public consultation on its content.

In late 2009 the government released a draft of the new criminal code, and pushed it through the ruling CPP-dominated National Assembly while rejecting input from civil society and opposition members of parliament. A law regulating NGOs is expected to be taken up by the National Assembly soon, even though civil society groups have not been provided with the draft law for review and comment.

- Repeal Article 398 of the new criminal procedure code, and replace it with an article emphasizing the principle of freedom for those who have been acquitted in court or completed their sentences. Until this article is amended, the General Prosecutor should take immediate steps to communicate this principle to prosecutors throughout the country, and ensure that detention is only extended in the most serious of cases.

Article 398 remains in effect, and individuals are routinely imprisoned for the duration of their appeal proceedings – even after being acquitted at the lower court and sometimes after serving more than the maximum sentence prescribed for their crime. This provision can be used by prosecutors to keep human rights defenders and other individuals accused of criminal offenses (even misdemeanours) in prison during the lengthy appeals process, which can take months or sometimes years. The only appeal court is located in Phnom Penh, and is fraught with administrative delays.

- Oppose the demands by the Cambodian Bar Association for Memoranda of Understanding over the employment of lawyers by Cambodian NGOs, and ensure that all lawyers in Cambodia are able to represent their clients without fear of reprisal.

Since mid-2007, the Cambodian Bar Association has officially taken the position that NGOs must sign a Memorandum of Understanding with the Bar in order to legally employ lawyers. Fortunately this provision has not been enforced, as the majority of NGOs do not have an MOU with the Bar Association. LICADHO opposes this additional discriminatory requirement for NGOs, meant to hinder employment of lawyers for NGOs critical of the government. NGOs employing lawyers duly registered with the Bar Association should not have to undergo additional registration procedures. In 2009 Kong Sam Onn, lawyer for opposition politician Mu Sochua, was accused of defamation by Prime Minister Hun Sen. Kong Sam Onn was present at a press conference where Mu Sochua announced her intention to sue the Prime Minister for defamation over insulting comments made by the Prime Minister, ostensibly addressed at her. Prime Minister Hun Sen also pressured the Cambodian Bar Association to investigate Kong Sam Onn, who eventually resigned as Mu Sochua's attorney. Ky Tech, the Prime Minister's personal attorney in the lawsuit against Mu Sochua, was President of the Cambodian Bar Association until 2008.

- Issue clear instructions to clarify the legal status in Cambodia of ethnic Khmer from the Kampuchea Krom region of Vietnam, including their immigration status and the rights they enjoy under Cambodia law.

The number of Khmer Krom monks acting as human rights defenders decreased in 2008 and 2009. However this does not mean the legal status of the monks has been changed. The pressure on monks to cease human rights activities has continued, and may explain their absence in terms of participating in human rights activities. Monks have been deported, defrocked, or have simply disappeared for engaging in human rights protection and activities.

- Fully comply with its obligations under the 1951 Refugee Convention, and cease threats, harassment and intimidation of those who assist asylum-seekers.
The year 2009 was marked by the continued poor treatment of refugees and asylum-seekers by the Cambodian government. In one particularly egregious case, a group of Uighur asylum-seekers were deported to China, where they faced possible execution. The government issued a statement

warning that anyone found assisting the group of Uighurs would be charged for aiding illegal aliens.

- Insist that all laws relating to land and natural resources are applied in a fair and accurate manner by the Cambodian courts.

This has clearly been ignored. The instances of land grabbing by powerful private companies have increased, with the government blatantly ignoring the rights of villagers, accusing them too often of forging legal documents, inciting violence, or illegally occupying land that they have farmed or worked since the 1980s.

- Ensure that parties in land and natural resource conflicts are not charged with property violations while the ownership of the land or resources in question remains unresolved.

This recommendation has not been implemented. Community representatives are often arrested and accused of forging legal documents, or are arrested when summoned to police and government offices for questioning and then illegally detained. LICADHO has documented a number of cases in the last two years in which evictions took place and criminal charges were laid while the ownership of land had yet to be resolved.

EMERGENT TRENDS IN THREATS TO HUMAN RIGHTS DEFENDERS IN 2008 AND 2009

1. Use of the courts as a weapon to prevent human rights activism: Threats of legal action, illegal arrest and detention, and release on bail.

The deteriorating face of the justice system in Cambodia is exemplified by the use and abuse of the courts by the authorities to prevent human rights activism through threats of legal action and groundless charges leading to the arrest and detention of political prisoners and human rights defenders. More recently these repressive tactics have been accompanied by a rise in the use of bail to release detained human rights defenders.

Charges against human rights defenders released on bail are often never dropped, but are kept pending so as to coerce them into accepting release conditions such as stepping down their level of activism.

Charges against human rights defenders released on bail are often never dropped, but are kept pending so as to coerce them into accepting release conditions such as stepping down their level of activism.

In 2008 and 2009, LICADHO noted an alarmingly high number of cases that resulted in the illegal arrest, charging and detention of human rights defenders. Too often, government, police and authorities sought to punish:

- community representatives or village leaders attempting to uphold their rights and those of others. The most vulnerable were community representatives protesting land grabbing and forced evictions, or requesting government aid for victims of land disputes;
- journalists attempting to report truthfully on incidents that might portray the authorities in a negative light;
- workers dismissed on questionable charges or labor union representatives fighting for fair working conditions; and peaceful protestors whose actions were violently disrupted.

The government uses a variety of charges to force human rights defenders to cease their lawful activities. Many are arrested on spurious legal charges for destruction of property, encroaching on private land, trespassing, forging legal land documents, and inciting violence. This precludes their immediate participation in human rights activities. Where protests or demonstrations are violently broken up by police and the authorities, human rights defenders are typically arrested on charges of assault, robbery, murder, using weapons against the authorities, or obstruction of justice.

LICADHO has noticed a disturbing trend in the consistent and recurrent use of these particular charges against human rights defenders. Regardless of whether the charges are later dropped, the ability of police to use these charges to immediately detain, and thus put an end to the activities of human rights defenders, is worrisome. The gravity and frequency of intimidation of human rights defenders prevents future activities by activists, who often represent an entire community.

As such, these tactics also deprive vulnerable communities of much-needed leadership. Furthermore the prolonged imprisonment of wrongly-charged human rights defenders has drastically increased the number of unjustly imprisoned individuals caught in Cambodia's prison systems, who are sometimes left there for months or years without trial. Pre-trial

detention is commonly used as a way to keep human rights defenders in prison, and although Cambodian law provides various maximum periods of legal detention depending on the charge, LICADHO has noted scores of cases where people have been detained for months, and sometimes even years, over the legal limit.

Human Rights Defenders in Jail:

As of 15 July 2010 shortly before the publication of this report, LICADHO monitors were tracking 60 human rights defenders imprisoned throughout Cambodia on a variety of spurious charges, such as robbery, physical assault and illegal clearing of trees. The majority of these incarcerations were linked to land disputes. Of those 60 in prison, 31 were in pre-trial detention. One had been acquitted at trial, but remained in detention because the prosecutor had appealed the verdict. Imprisoned human rights defenders were aged between 20 and 56, with a median age of 39. There were 4 women and 56 men

These strategies have been accompanied by a rise in the use of bail to release detained human rights defenders without dropping the charges against them, effectively deterring them from engaging in future human rights activity. Even when human rights defenders are only detained for a few hours or days, their release on bail implies serious and enduring ramifications. By releasing human rights defenders on bail without dropping the charges against them, the authorities can ensure that human rights defenders are entered in the judicial system's records, essentially placing them on probation. Although they may be allowed to re-integrate into their communities upon release, they are effectively barred from participating in further human rights activities as they risk further incarceration and more serious sentencing.

Human rights defenders released on bail who are later deemed to be re-offenders are at a greater risk of longer sentences. Charges are rarely officially dropped, so cases can be brought up in the courts months or years later, if the authorities feel the need to intimidate or put a swift end to activities they find suspect. Further complicating matters, the Criminal Procedure Code (CPC) is unclear as to any specific duration for bail. Article 249 simply states that a person can be kept under judicial supervision "until such time he is called to appear before the trial court". No time limit is specified.

This can be problematic for human rights defenders, because the Criminal Procedure Code provides that a criminal charge is extinguished only upon the occurrence of one of five events: The death of the offender; the expiration of the statute of limitations; a grant of general amnesty; abrogation of the criminal law; or *res judicata*.¹⁶ In Cambodia, the statute of limitations for a felony is 15 years¹⁷. Thus, a human rights defender released on bail could live in the shadow of possible criminal charges for 15 years. This can understandably affect their willingness to engage in human rights defense activities.

In all of the cases that resulted in charges being pressed and human rights defenders detained for some amount of time in 2008 and 2009, the most frequent type of release was bail. The number of human rights defenders thus facing charges that were never dropped and can resurface at any time shows the tight control the authorities have on containing and preventing the future activities of major actors fighting for human rights.

¹⁶ Criminal Procedure Code, Article 7.

¹⁷ *Id.*, at Article 10. The statute of limitations for a misdemeanor is five years; for a petty offense, the limit is one year.

Case Study 1

On 26 December 2008, 28-year-old journalist Sin Samley and village representatives Sin Leap and Chan Leap of Chi Kreng district's Anlong Samnor commune were arrested by the local authorities. The journalist had written an article in a local paper about an ongoing land dispute involving the village. They were all held in pre-trial detention for one month without questioning, and charged with forging documents related to the land dispute. They were eventually released on bail, but required to check in with local authorities every two weeks.

Case Study 2

On 19 May 2009, four village representatives were detained by the Preah Sihanouk provincial court and accused of inciting and committing violence in connection with a land dispute. They were summoned and detained but were not tried in court. They were released on bail after two weeks of detention, but the charges have not been officially dropped.

Case Study 3

On 28 May 2008, three journalists reporting on illegal logging in Kampong Thom province were arrested on a charge of fraud and held in detention for one night. They were accused of extorting money from a truck driver. They were released on bail the next day, but the charges have not been officially dropped.

2. Defamation and disinformation: The denial of freedom of expression

Defamation and disinformation suits against journalists, politicians and human rights defenders have surged since 2007, seriously undermining respect for freedom of expression in Cambodia. Taking a radical step to silence its opponents in 2009, the Cambodian government stripped parliamentary immunity from three members of the Sam Rainsy Party (SRP), including party president and leader of the opposition Sam Rainsy. This exposed the trio to charges of defamation by the government and Prime Minister Hun Sen, seriously undermining the cornerstone of pluralistic democracy by inhibiting parliamentary debate, and the exercise of civil and political rights such as freedom of speech.

Several newspaper editors-in-chief and journalists have also been threatened and charged with disinformation and defamation over the past two years. The danger to the journalists is often great as their field investigations are frequently interrupted by the confiscation of press passes and cameras. Many face prison sentences. Owners, publishers and editors of newspapers are regularly fined or threatened with closure for printing stories casting the government or political policy in a bad – or simply honest – light and for refusing to reveal their sources. LICADHO's May 2009 briefing paper "Restrictions on the Freedom of Expression in Cambodia's Media" further documents the dangers to journalists and the limits to freedom of expression in the media in Cambodia.

LICADHO recommended in both its 2006 and 2007 reports, "Attacks & Threats Against Human Rights Defenders in Cambodia," that the law against defamation and disinformation be removed from the criminal code. The continued use of this law as a means of control over

people. Limiting freedom of expression not only provokes self-censorship but nurtures fear and anger, with the risk of leading to further conflict and violence.

There are no prison sentences for defamation, but it remains a criminal offense. The new penal code, coming into force in November 2010, effectively reinstates prison sentences for a series of defamation-related charges.

Case Study 4:

On 26 June 2009, Khmer Machas Srok newspaper editor-in-chief Hang Chakra was accused of creating political instability and found guilty of disinformation after publishing articles about the alleged demotion and firing of corrupt officials close to a senior Deputy Prime Minister. He staunchly refused to release information about his sources. He was sentenced to one year in prison and ordered to pay nine million riel (USD \$2,250) in fines. He was released on April 13, 2010, after being pardoned by the King, and did not pay the fine.

3. Disruption of Peaceful Protests, Demonstrations, Strikes & Marches

A number of peaceful protests, demonstrations, strikes and marches were forcibly disrupted or denied in 2008 and 2009. The notification requirement to local or regional authorities in the 2009 Law on Peaceful Demonstrations is often used as an opportunity for officials to ban peaceful demonstrations on grounds of security, safety or public order. Cambodian authorities appear willing to view any demonstration critical of government as threatening public order. Also, despite obtaining consent, many of these events were interrupted by police, who typically objected to the size of the groups, the routes of the marches, or the locations of the activities. Those involved were often arrested on charges of incitement or disrupting the peace.

The right to peaceful protest is carefully controlled by the Cambodian government. The inability of Cambodians to exercise this right without notifying the government, which then views any assembly criticizing its policies as a threat to public order so as to ban it, is an irony not lost on rights groups working in the country. Protesters and marchers representing groups from land rights movements to labor unions are regularly detained on charges such as obstruction of justice or disrupting the peace, and risk their employment by participating in such activities.

Violent disruptions of such gatherings are a frequent occurrence that result in arrest and injury, and destroy the capacity of activists to engage in public discourse, while discouraging any possibility of future instances of negotiation or constructive talks between the authorities and protestors.

Furthermore, the restriction of protests on the sites of land evictions has increasingly led to violence. The inability of people to protect the areas where they have been living – sometimes for decades – often results in confrontational standoffs as they attempt to avoid eviction and relocation. These clashes with local authorities, police and military can lead to arrests, injury and death as they quickly become violent.



Workers march through Phnom Penh on May 1, 2010.

Case Study 5

On 4 August 2009, police broke up a protest march supporting Mu Sochua, an opposition member of parliament found guilty of defamation. Repeated attempts by the protesters to march peacefully through Phnom Penh from the Municipal Court to the Phsar Olympic were blocked by anti-riot police, who attempted to grab participants and directed traffic towards the marchers. The government stated that marchers had failed to inform the authorities of their intent to demonstrate, making their activity illegal.

Case Study 6

On 12 June 2009, local rights groups (CCHR, LICADHO, ADHOC, and CLEC) were informed they needed to request permission to hold a forum entitled "Human Rights and Development". The meeting was set to be a platform for the discussion and education of Boeung Kak Lake residents on their rights when facing eviction. The Phnom Penh Municipal Authority denied permission for the forum on the grounds that it could create instability in the city.

PORTRAITS OF HUMAN RIGHTS DEFENDERS

1. Venerable Luon Sovath

Sometimes the most effective defense of human rights begins with the simplest of questions.

"Why can't I be here?"

"What law did I break?"

And sometimes, just: "Why?"

The latter was a question that the Venerable Luon Sovath began asking early in life. The 32-year-old grew up in Cambodia's Siem Reap province and came of age in the midst of Cambodia's vicious civil war. He witnessed horrific violence as the Khmer Rouge attempted to regain control of the country.



Venerable Luon Sovath showing Chi Kreng video to Chi Kreng's villager.

Growing up, there was rarely a clear answer to the question "why?" The violence was usually senseless; the injustice seemed systematic. Only two things were certain: First, the war was tearing his family apart; each of his 11 siblings had become entangled in the conflict. And second, he did not want to join them. So at age 15, Sovath took a different path: he became a monk. His choice allowed him to escape harm during Cambodia's decades-long war, and instilled the virtues of karma, reflection and justice.

Today Cambodia's guns are mostly silent, but another battle rages: The fight over land rights. Since 2004, over 250,000 Cambodians have been victims of illegal government land seizures to make way for commercial development, plantations, dams and mining concessions.

The ideology behind Cambodia's current land-grabbing battle never sat well with Sovath's Buddhist ideals. And ironically the same vows that sheltered him from one conflict ultimately plunged him into another.

The Chi Kreng Land Grab

On 22 March 2009, Sovath received a panicked phone call. There was trouble in his home village in Siem Reap's Chi Kreng district. The government had recently awarded all village farmland to a politically-connected company and they wanted to bulldoze the site. Nearly 100 military and police forces were moving in to enforce the order, accompanied by the Siem Reap prosecutor, the deputy provincial governor, and other high-ranking officials.

Some 80 unarmed villagers emerged to protest. Although they did not have titles to the land, they had lived there since the 1980s, which under Cambodian law entitled them to the right of ownership. But the authorities weren't there to listen. Instead, they opened fire.

Three villagers were wounded, including Sovath's brother and his nephew. Forty-three

others were detained by police for questioning and forced to thumbprint documents forfeiting their land. Later that evening, 34 out of the 43 villagers were released, but nine villagers were detained and charged with robbery and physical assault. Two more were arrested at a later date. The charges stemmed from a complaint by two businessmen who claimed ownership of the land. The pair alleged that the land now belonged to them, and that the villagers had illegally harvested rice from the land – rice that the villagers had grown with their own hands.

The village's farmland was subsequently confiscated. The shooting investigation, meanwhile, was a whitewash. The government claimed that the shooters acted in self-defense.

Sovath arrived in time to film the aftermath and to collect video from other villagers who had captured the shooting itself. But there was little else he could do. Or so it seemed.

Multimedia Monk

A police officer came to question Sovath the next day. He was direct with his request: The police wanted his videos. Sovath did not flinch. If one feature defines his activism, it is the almost childlike frankness with which he confronts authorities. The Asia Sentinel reported the following exchange:

"What law did I break?" he asked the officer.

The officer fell silent.

"What law did I break?" Venerable Sovath asked the officer. The officer fell silent.

"If you want to borrow it you can," Sovath continued. "But if you want to take it you can't."¹⁸

The officer left empty-handed, but more police visits followed. A second officer suggested that the military might storm his pagoda and seize

the videos. On the third visit, after more threats, Sovath finally agreed to turn over the videos. But by then he had already distributed it to all of the major human-rights non-governmental organizations (NGOs) in Cambodia.

The contents caused a sensation: The video clearly contradicted the government's claim that the police acted in self-defense.

On 2 April 2009, facing increasing pressure from the authorities, Sovath left his pagoda for Onaloum Pagoda in Phnom Penh. He brought 100 villagers with him. "My heart was too heavy to remain in Siem Reap. I came here to try to regain my peace of mind," he told Human Rights Watch last year¹⁹.

The authorities took swift action. A week after moving the villagers to Phnom Penh, an official from the Ministry of Cults and Religion arrived at his pagoda. The government demanded that the villagers return to Siem Reap.

¹⁸ As reported by Vincent Maclsaac, *The Asia Sentinel*, "Crackdown in Siem Reap," April 27, 2009 (http://www.asiasentinel.com/index.php?option=com_content&task=view&id=1845&Itemid=188&limit=1&limitstart=0)

¹⁹ Human Rights Watch, "Solve Cambodia's Crisis in Courts, Not With Bullets," by Sara Colm, Sept. 12, 2009 (<http://www.hrw.org/en/news/2009/09/12/solve-cambodia-s-land-crisis-courts-not-bullets>)

The Trial

With their livelihoods shattered, the villagers were forced into survival mode. The authorities had arrested strategically, targeting breadwinners and activists. The goal was to break the villagers' will. With no land to farm and no men to work, the families were destitute.



Venerable Sovath addressing policemen blocking the entrance to the courthouse.

It was a potentially explosive situation: People stripped of all they owned, with nothing to lose. Sovath wanted to channel their energy in another direction.

On 20 October 2009, the trial date for the nine defendants, Sovath went with the villagers for a peaceful vigil outside the courtroom in Siem Reap. Security was heavy, with approximately 150 military police armed with guns, shields and electric batons. Their plan was to observe the trial, but the public and families of detainees were barred from entering the court.

As the morning progressed, police began harassing the villagers, accusing them of disturbing the hearing. There were repeated demands to disperse. Sovath filmed the scene as it developed.

Finally, the authorities decided to target the ring-leader. Siem Reap governor Sou Phearin called in the province's senior monk; he arrived at the courthouse at 11 a.m. He confronted Sovath and forced him into a waiting car with a government license plate.

Sovath was taken to a nearby pagoda, where he was interrogated by a group of his superiors, who accused him of inciting the villagers to demonstrate. The monks threatened to disrobe Sovath, and demanded that he sign a letter promising to cease further incitement. Sovath refused.

"What law did I break?" he asked.

An hour later, he was released.

The Verdict

Commune police continued to monitor the activities of NGO staff and villagers following the trial. Sovath and the villagers, meanwhile, were making plans for further action: They wanted to be at court on 27 October 2009, to hear the verdict.

By now, his interest in the case was drawing even greater scrutiny from the authorities. The evening before the verdict, over 50 armed police surrounded the village and Sovath's adjacent pagoda. They made a show of loading their weapons. The message was clear: The

villagers could not go to Siem Reap. They stayed overnight to enforce the order, three of them inside Sovath's house within the pagoda.

Then came more bad news: The trucks Sovath had hired for transport called to say they were being threatened by police. They could not come. Sovath called a meeting with villagers and asked what should be done. They unanimously decided they would wake early and walk. The courtroom was almost 90 kilometers, a practically impossible task.

The next morning, Sovath awoke at 4 a.m. He snuck quietly out of his pagoda, undetected by police, and slipped into the village. He went door-to-door, waking each family, until he had assembled a group of over 50 citizens – the elderly, the young, even children and pregnant women. They set out across the rice fields in the direction of the main road.

Two hours later, the police finally realized they had been duped. They set out on motorbikes to locate Sovath. They found him 10 kilometers away, just short of the main road. A half dozen of them erected a makeshift roadblock with their bikes. They were about 50 meters ahead of the group.

Sovath responded by turning his video camera on them. The group kept marching.

"You are not allowed to go!" one officer yelled.

The group was now 20 meters from the police.

"Why?" Sovath asked. "I have a right to go where I want."

Sovath now stood face to face with the angry officer. He reached out to confiscate Sovath's camera.

"Don't record us," the officer said.

"Recording is also my right," Sovath replied. "I am recording the road. If you don't want to be recorded, move away from the road."

As Sovath argued with the police, the group managed to pass. One roadblock was cleared, but there would be many more obstacles.

From the roadside, Sovath called every taxi in Chi Kreng. They all refused to come. They too had been threatened by police.

The group kept walking. The police followed, setting up roadblocks every 100 to 200 meters. Hitchhiking wasn't working – all of the drivers had been warned. But finally a taxi stopped to pick up a portion of the group. It took all of 100 meters before the police flagged it down. The driver was detained and his keys confiscated. Sovath had to intervene in order to convince police that it was his fault, not the driver's. Ultimately, the taxi was forced to turn back in the other direction – back to where it came from.

The group kept walking, but its ranks began to thin. Sovath hailed several more taxis and trucks, but it was not until they had walked 20 kilometers that they began to have any luck. The villagers broke into smaller groups and took several trucks; some made it, some were turned back.

Sovath himself was finally picked up by NGO workers at about 10 a.m. after walking some 30 kilometers. He did not arrive at the courthouse until almost 11 a.m. By then the verdict was

three hours old: Two villagers had been convicted on charges of assault and robbery, and sentenced to one year imprisonment and a US\$750 fine. Seven were acquitted, but they would remain in prison pending fresh charges and an appeal from the prosecutor.

Sovath, meanwhile, received a call from a superior: He was ordered back to Phnom Penh immediately. Sovath said the request was impossible. He was too busy.

"You're going to be jailed," replied the senior monk.

"Why?"

The Aftermath and Current Threat

The Chi Kreng land grab wasn't unique – the difference was Sovath's courageous and creative response, as well as his standing as a monk. At a time when Cambodia desperately needs a voice of justice and moral authority, the country's clergy have been conspicuously silent, often complicit. Sovath has acted at great risk to his personal safety.

The threat to Sovath is no different than to other human rights defenders, despite his robes. In fact, he may face an even greater threat, given his willingness to speak out, appear in the media, and openly document abuses perpetrated by the authorities. Yet he feels a personal responsibility toward the victims of the current land crisis.

"When a monk intervenes," he says, "it carries weight."

Today, Sovath remains in Phnom Penh. He travels to Chi Kreng regularly – and at great risk to his personal safety – to continue his work there among the villagers and others. He has expanded his work to include visits with LICADHO to other victims of land-grabbing. His free time is dedicated to producing videos documenting human rights abuses he witnesses.

"Now when farmers raise their voices about loss of their land, they are threatened, jailed, or brought to court and sued. The rich have collaborated with the powerful to take the land."

Sovath also makes regular visits to Cambodia's prisons with LICADHO, where he preaches to inmates the Buddhist virtues of patience, self-control, compassion, and of course, justice. Many of the people he speaks to are themselves victims of unlawful land-grabbing.

He told Human Rights Watch that he laments the difficulties faced by landless villagers throughout Cambodia: "Now when farmers raise their voices about loss of their land, they are threatened, jailed, or brought to court and sued. The rich have collaborated with the powerful to take the land."²⁰

2. Mr. Hang Chakra

"A good journalist is one who dares to write the truth," Hang Chakra explains, in an interview with LICADHO.²¹

²⁰ Human Rights Watch, "Solve Cambodia's Crisis in Courts, Not With Bullets," by Sara Colm, Sept. 12, 2009 <http://www.hrw.org/en/news/2009/09/12/solve-cambodia-s-land-crisis-courts-not-bullets>

²¹ Interview with LICADHO conducted on 5 July 2010.

Hang Chakra is the editor in chief of Khmer Machas Srok, one of the few remaining independent newspapers in Cambodia that publish in Khmer. Since late June 2010, his newspaper has been suspended for lack of financial resources, shortly after Chakra was pardoned by the King and released from prison where he was serving a sentence for disinformation.

“The government desperately wants all opposition newspapers to stop publishing,” he explains. “They are now engaging in a covert conflict.” All of his advertisers have been threatened by representatives of the ruling Cambodia People’s Party (CPP) of Prime Minister Hun Sen. In contrast, the pro-government Khmer newspapers are stocked with advertisements. Unfortunately without

advertisement money or other financing, it is very difficult for a publication to survive.



Journalist Hang Chakra at appeal court.

Yet, in a country where most cannot read English and have no access to the internet, and where all televised media are controlled by the government, the role of independent Khmer newspapers is absolutely essential for the establishment of a healthy democracy.

Early Career

“I actually started off as a filmmaker,” Hang Chakra explains. In the early 1990s he joined Funcinpec, the royalist party and main opposition to the CPP. “I had witnessed a lot of oppression,” he adds, “and I wanted to fight for the freedom for the people.”

Funcinpec won a majority in the 1993 elections. Nevertheless, Hun Sen remained in power as co-Prime Minister, with Funcinpec leader Prince Norodom Ranariddh as co-Prime Minister. Hang Chakra was close to then Funcinpec co-Minister of the Interior, General Ho Sok. He never held an official government or party position, however. “I did not want political power,” Hang Chakra explains. “I preferred to take part in political life as an observer.”

At this time, Hang Chakra wrote his first newspaper articles for a publication called Khmer Citizen. His articles were critical of the CPP, and drew its attention. The editor-in-chief of the Khmer Citizen was pressured into joining the CPP in order to silence criticism from his paper. Hang Chakra’s articles were no longer wanted. He was poor, with no savings or business prospects.

“The only way for me to make a living was to sell my skills as a writer,” Hang Chakra says. “Still, I would not compromise with my ideals and commitments.”

Using a pen name so as to protect his family, he soon found employment as an independent writer for the National Soul, where he criticized both CPP and Funcinpec.

While working for this paper, he experienced his first serious threat as a journalist. He travelled to a Vietnamese rubber plantation - in Kampong Cham province - linked to the CPP. Upon arrival, he took one picture of a Vietnamese worker. Right away a guard confiscated his camera and destroyed the film. Two guards then pointed pistols at his head.

He was detained and would have been executed; only the discreet intervention of Ho Sok saved his life.

When he returned to Phnom Penh, he did not hesitate to write an article about the plantation, despite the threats. The article greatly angered the CPP, which arranged to have him fired from the National Soul.

His Own Paper

“From that moment, I resolved to create my own publication, so that I could be free to write what I thought,” Hang Chakra says.

Unfortunately his resolution coincided with the summer 1997 upheavals, when the Prime Minister ousted Prince Ranariddh from power. Hang Chakra’s protector, Ho Sok, was taken into custody and later found dead. Hang Chakra had to flee from his home.

He began to write articles for a publication called Interval. At first he expressed support for Prince Ranariddh. However when Prince Ranariddh agreed to join a new coalition government with Prime Minister Hun Sen in 1998, Hang Chakra began to be more critical. While in exile after the 1997 upheavals, Ranariddh had declared that he could never again work with the Prime Minister. Hang Chakra denounced Ranariddh’s change of mind in Interval, and accused him of colluding with the Prime Minister.

“Many people hated me for writing this article,” Hang Chakra says.

Some Funcinpec members threatened to kill him. One day, in a coffee shop, he was accosted by the bodyguards of a prominent politician. They boasted loudly that they could kill him anytime they wished.

The editor of Interval was terrified of the threats, and fired Hang Chakra. Soon after, Interval closed and the editor accepted a position in the police department. This was a deciding event in the Hang Chakra’s life. For the third time, he had been ousted from a newspaper for expressing his views.

“I lost all of my faith in Funcinpec, or the handful of remaining newspaper publishers,” Hang Chakra recalls. “They do not care about societal good. Their only concern is their personal interest.”

The time was ripe to open his own newspaper.

The Voice of Khmer National Patriots

In mid-1998, Hang Chakra submitted an application to the Ministry of Information in order to open his own newspaper, called the Voice of Khmer National Patriots. The officials at the ministry, who knew his reputation, deliberately dragged their feet and failed to forward his forms in time. Furthermore Hang Chakra had to pay more than US\$500 in bribes to file the official documents. To gather the sum, he sold all of his valuables.

“I was very upset,” he says, “and I became determined to fight against corruption. “

Finally, in 1999, his newspaper received the necessary authorization. It began publishing three times per week with four advertisers. He could only afford two staff members: one reporter, and another who translated articles about Cambodia in the English newspapers into Khmer. The newspaper enjoyed a wide readership from the start, and was one of the main political opposition publications.

After two years, the paper encountered financial difficulties due to the scarcity of advertisers, and he cut publication to once per week. Hang Chakra had to write articles for other newspapers in order to make ends meet.

In 2005, Hang Chakra finally believed that he had found a solution to his funding problems. With the help of a sponsor, he registered a new publication with the Ministry of Information, and even bought new cameras and computers for his staff. He called this new publication *Khmer Machas Srok*, literally translated as “Khmer Owners of the Country.” His sponsor promised to fund the publication of three issues per week.

“This [was] the first time that I could focus solely on the content of the paper,” Hang Chakra recalls, “and not worry about the finances.”

Unfortunately the CPP got wind of Hang Chakra’s new source of funding. They contacted the sponsor and threatened to have him fired from his job. Shortly after, the sponsor quit the opposition Sam Rainsy Party (SRP) and joined the CPP. He stopped returning Hang Chakra’s calls, and ended their friendship.

“From then on, I realized that my newspaper and I had to survive by ourselves,” Hang Chakra says. He had no more advertisers or external funding. His paper had to stay afloat on proceeds of sale alone, a nearly impossible task.

Nonetheless, he kept on publishing.

The Courts Intervene

More problems were to come. In 2008, Hang Chakra’s newspaper published an article accusing the Minister of Commerce Cham Prasidh of corruption. The article alleged that Prasidh had been meeting secretly with a mistress at a villa purchased with government funding. An official from the ministry requested that he stop the publication.

“Can you prove that these facts are incorrect?” Hang Chakra asked. His information had ostensibly been confirmed by the local police, who observed the minister entering the villa with his mistress.

Another newspaper, entitled the *Khmer Land*, decided to seize the opportunity to blackmail the impugned minister. Cham Prasidh was furious, and soon after the government filed charges in court against *Khmer Land*, which in turn accused Hang Chakra of publishing the article first. He was summoned to court to defend the article. The local police officer who had allegedly confirmed the story refused to testify. Luckily the minister was wary of further embarrassment and dropped the charges.



One of the articles published by Hang Chakra's newspaper that led to the conviction.

In 2009 Hang Chakra published articles accusing officials linked to Sok An, the deputy prime minister, of corruption. Soon afterwards, he received a court summons and learned that he stood accused of defamation and criminal disinformation. The prosecution requested a jail sentence and a 10 million riel fine.

At the preliminary hearing the court pressured Hang Chakra to reveal his sources inside the government. He refused, explaining that the Press Law protected such information.

“You are the court,” he told the judge, “and you have to uphold the law.” The judge was furious, and maintained that in court he had to reveal everything.

“The court does not enforce the law,” Hang Chakra says, “but only follows what is ordered by powerful people.”

Hang Chakra was told that charges might be dropped if he apologized publicly. He refused, despite the incarceration threat.

“I am not a criminal,” he declared.

Only nine days later, on 26 June 2009, his trial began in Phnom Penh.

Hang Chakra’s lawyer decided to request a postponement as it would have been impossible to prepare a defense in nine days. Hang Chakra certainly did not expect to be sentenced that day. But the court summarily rejected the request for a postponement, and at 11 a.m. began to try Hang Chakra in absentia.

At 11:30 a.m., Hang Chakra, who was in Battambang, received a call from his lawyer. He had just been sentenced to one year in jail and a 9 million riel fine. The police, who had been following him, arrested him minutes later. By 5 p.m. he was escorted to the Phnom Penh court, where he launched his appeal.

At 7:30 p.m. he was in prison.

Prison and Pardon

“I felt a moment of terror after the door was locked behind me,” Hang Chakra recalls. “There were so many prisoners in the room, over 50 of us in a small space. It was so hot; most of the prisoners were only wearing shorts. I had a tiny space to sleep in. I had to remain lying on my side. There was not enough air, everyone was smoking. I felt dizzy because of my heart condition. I suffered so much in that room.”

After interventions by UNOHCHR officials and LICADHO, Hang Chakra’s detention conditions improved slightly. He remained in a precarious state of health throughout his incarceration.

His appeal was dismissed after a brief hearing, where the judges interrupted his lawyer and asked him to cease his “political propaganda”.

Concerned over his deteriorating health, his children eventually wrote a letter to Prime Minister Hun Sen.

“This letter was against my ideals and my conscience,” Hang Chakra says, “but my family was very worried about my health.”

Finally, on 13 April 2010, shortly before the Khmer New Year, Hang Chakra received a Royal pardon and was released. The King had already intervened twice on his behalf: once with the Ministry of Justice and another time with the Prime Minister. He had spent a total of nine months and 17 days in prison.

Prime Minister Hun Sen had promised in early 2006 that no more journalists would be imprisoned because of what they wrote.²²

The Aftermath

“My experience in prison had a profound impact on me, both physically and mentally” Hang Chakra says.

Yet he is more determined than ever to remain one of the lone voices of governmental criticism in the Khmer media.

“As long as I live, I will follow my conscience,” he says. “So long as the government is dysfunctional, I will denounce it publicly. Although I am getting older and older, I will carry on writing and training young journalists to continue my work. I will even say that if Khmer beliefs are correct, I will return in a next life to criticise the injustice of the government. I love this career, because the ideal of a journalist is to be like a mirror that reflects all of society.”

“While I was in jail, my newspaper was suspended after March 2, 2010, because of financial problems,” Hang Chakra continues. “People misunderstood this, however, and rumours floated about accusing me of ‘selling my hat’ to the government [i.e. selling out]. Some even said that I had accepted a position in the Council of Ministers! I received so many phone calls after my release, and every time I repeated that I had not changed my values.”

²² *RWB, supra* note 6.

Hang Chakra was able to resume publishing Khmer Machas Srok from early May to late June 2010, and is once again in search of funding. In one of his first editorials after his release, he publicly asked the government why he had been jailed for such a petty accusation, while those who killed journalists remained free.

The Cost of Freedom of Expression

“Nowadays most of the Cambodian media support the CPP,” Hang Chakra explains. “My opinion is that the CPP is in permanent election campaign mode, even when there are no elections. We are bombarded with broadcasts about the development projects organized by CPP officials. The media only ever report positive stories about the CPP. They never speak of the numerous problems plaguing Cambodia, like the state of prisons, sex trafficking or land grabbing. They avoid mentioning the many hardships of Cambodian people. I do not oppose development projects, but I think responsible media must balance positive and negative stories. Unfortunately, most of the media are under the control of the CPP, and the CPP only works for the interests of the party and its powerful friends.”

“A journalist must accept the risk of being imprisoned or killed. Only if journalists do not fear will they possess the essential values necessary to serve the people.”

Despite his recent hardships, Hang Chakra maintains that he does not fear being arrested or even killed for his persistence in publishing critical articles.

“In Cambodia nowadays there exist many harsh realities, with no one to write about them,” he explains. “A journalist must accept the risk of being imprisoned or killed. Only if journalists do not fear will they possess the essential values necessary to serve the people.”

He expresses concern for the journalists who work in government-controlled media. “Some journalists love their careers because they love money,” he says. “And so they lose their integrity, their values and their conscience. I would ask them to take an honest look at themselves and their careers, and assess if they truly are proud of what they are. Even if they genuinely support the government, they should not forget to write about the hardships experienced by the Cambodian people.”

One thing is sure: Hang Chakra intends to remain a vocal critic of the current government, and strong defender of freedom of expression in Cambodia.

“If the news is bad,” he tells the government, “do not blame the journalist. Instead, blame yourself.”

3- Mr. You Tho

“I was born with the attitude and the will to help other people,” You Tho explains in an interview with LICADHO.²³ “I do not know why I was born with this character. It is simply the way I am.”

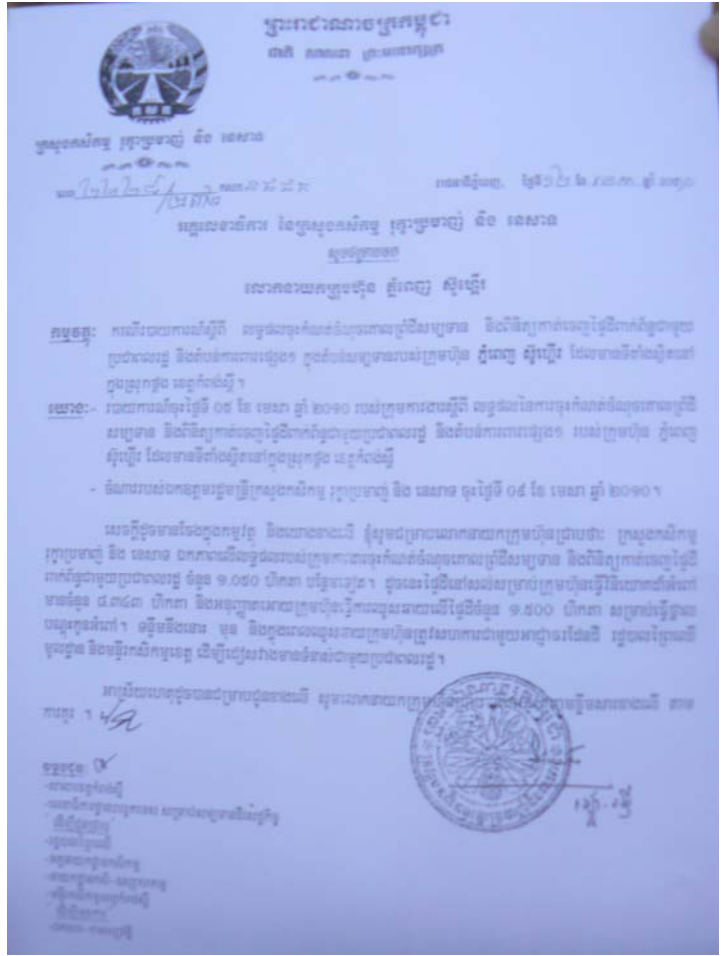
You Tho is a local commune council member in the Thpong district of Kampong Speu. First elected over nine years ago by 11 villages, You Tho shouldered the responsibility for guiding his constituency through what are challenging and turbulent times.

²³ Interview with LICADHO conducted on 2 July 2010.

The land owned by his community is currently threatened by the powerful businessman and CPP Senator Ly Yong Phat. Through his company the senator hopes to appropriate the land belonging to the 11 villages in Amleang commune in order to expand his sugarcane plantation. He benefited from a government economic land concession in order to develop his project.

The Land Struggle

The struggle began in 2007 when the villagers were first told about the planned land concession and demonstrated in protest. The company kept quiet for a while. Then, in 2008 the company returned with a new plan, dubbed “tiger skin development.” The company explained that it would expand the plantation while leaving enough free land for the villagers to farm. It also promised to leave a swathe of 1,500 meters of land beside the road exclusively for the villagers, who had little choice but to acquiesce. Later, the roadside land was reduced to 1,000 meters. Then 500 meters. Then 200 meters.



Official government document certifying Senator Ly Yong Phat's land concession.

“Now, the company simply wants all of the villagers to leave the land, because they say that as long as we stay, there will be tensions,” You Tho says. “They complain that our cows eat the sugarcane. If they had their way, there would be no more land for the people.”

In January 2010, tractors from Ly Yong Phat’s company began ploughing the villagers’ remaining land. They arrived without the consent or knowledge of the community. When the villagers protested, they were referred to the local authorities. But the local authorities did nothing.

In early February, while You Tho was away from the villages for a meeting, some villagers became angry and began to throw earth and sticks at the tractors. You Tho is unequivocal in his belief in non-violence and advocacy as methods of conflict resolution.

“I do not tolerate violence,” he says. “So I always advise people not to succumb to violence in order to resolve problems.”

No tractors sustained any damage, and no one was hurt. Yet the company brought a complaint in court against five commune chiefs including You Tho. They were accused of incitement, even though none of them was present during the events. On February 14, they went to the Kampong Speu trial court accompanied by over 400 villagers who wished to

show their support. The judge warned them to cease their advocacy on behalf of the villagers. He threatened that next time they were brought to court they would be jailed.

After the hearing the public prosecutor told them Senator Ly Yong Phat was too powerful to resist, because "half of the country owes him favors".



A woman stands among police officers attempting to stop Amleang villagers from reaching the court in Kampong Speu.

The tractors did not stop. The villagers grew weary of protesting. In March an official from the Ministry of Interior came to meet with them. She had an offer from the company. It would buy all cultivated land for \$200 per hectare, and the rest for \$100 per hectare. Those who refused the offer, she said, would receive "the air". Nothing.

On the 17 March 2010, more than 30 soldiers from RCAF's 313 battalion were

deployed on the concession area. The battalion is one of the military units officially sponsored by Senator Ly Yong

Phat in a newly-created patronage system whereby private companies can sponsor specific military units.

On the day of the deployment, You Tho was sick. The villagers met without him to discuss a course of action. Tempers were running high because the compensation offered was so low. On March 18, about 500 villagers held a protest to prevent the tractors from continuing their work, but failed. Some villagers then marched to two makeshift shelters erected by the company on their land and set them on fire.

"I was surprised and saddened [by the fire]," says You Tho, "but there was nothing I could do. On March 24, the court summoned me and three other leaders, accusing us of inciting the villagers to burn down the property."

The Arrest and Repercussions

You Tho left his village very early on the morning of the hearing in the company of another accused leader, Khem Vuthy. Later a large crowd of supporters followed with the other two community leaders.

"I did not want the villagers to become violent if they saw me get arrested by the court," You Tho explains. "The judge sent us to jail, and then the court closed and ran away before our supporters arrived."

You Tho holds a very low opinion of the manner in which the court handled his case. "The way the courts treated the accusations against me was very unjust," he says. "I think that the court is controlled by those with power and money. I told them that I was not there when the buildings were burned because I was sick. I had many witnesses to prove this. But they refused to listen, and they arrested me."

The villagers refused to give up on their community leaders. They remained outside the courtroom to protest. Military police beat some of them with electric batons. At night when the villagers tried to sleep on the sidewalk, the military police cleared them out so they could not rest. They had no food and no money, so other villagers brought food from the countryside on tractors. But the military police stopped them, and poured the rice on the ground. The military police are paid by Senator Ly Yong Phat, in a similar - albeit less official - manner than RCAF Batallion 313.



Amleang villagers surrounded by police march toward the municipal court in Kampong Speu, where they planned to show their support for commune leader You Tho.

The authorities refused to speak with the villagers. So on 26 March 2010, more than 600 villagers gathered on National Road 4, blocking it for almost two hours demanding the release of You Tho and Khem Vuthy. This is the main highway from Phnom Penh to Sihanoukville. The blockage led to heavy traffic congestion and prompted the deputy provincial governor, court officials and the provincial police commissioner to finally talk with villagers. After lengthy negotiations the villagers agreed to move and discuss the matter at the provincial court.

On 29 March 2010, You Tho and Khem Vuthy were released on bail and placed under surveillance. Charges against them were finally dropped in July 2010. Senator Ly Yong Phat himself delivered the court papers officially dropping the charges to You Tho, so as to attempt to secure his support for the forced eviction.

Leadership

Despite the imprisonment, and the offers from the senator and other officials, You Tho remains determined to lead his community and defend their interests throughout the land struggle.

“I am poor and I was born in poverty just like many Cambodians,” You Tho says. “I have heard many people say: ‘Do not make friends with the poor and uneducated.’ This is not the way I think, however. If we only made friends with the rich, what would happen to all the Cambodians who are poor? This is why I decided to remain with the poor. It is very difficult to be poor and uneducated, and yet I will not abandon them. There are already so few people who will really help the poor in Cambodia.”

You Tho is eloquent in describing his relationship with the community, which is built on years of struggling through numerous challenges and dangers.

“My will and endurance spring from my belief in the strength of my community,” he explains. “We grow stronger and stronger as the years go by. This strength encourages and sustains me. I know that if something happens to me, the people will fight for me.”

The strong trust between You Tho and the village communities predates his involvement as commune chief. During the Vietnamese occupation in the 1980s, You Tho was elected village chief. His policies incurred the wrath of the local Vietnamese brigade, who came to his village in order to execute him. At once he was surrounded by over 60 villagers, who kept the soldiers at bay and saved his life. Around this time, he was also kidnapped by a group of Khmer Rouge guerrillas. Villagers followed the guerrillas into the bush, and managed to retake him from the kidnappers.

“This is exceptional, as no villagers dared to stand up to the Khmer Rouge at that time,” You Tho says. “Those who were kidnapped were almost always killed.”

“The more problems we face, the greater the adversity we endure, the stronger we become in our knowledge, our organization and our solidarity.”

“I cannot step down from my leadership role now,” You Tho concludes simply. “The people trust me and rely on me too much for me to leave.”

Hope for the Future

You Tho places much hope in the growing strength of his community in order to remain strong in the land struggle.

“The more problems we face, the greater the adversity we endure, the stronger we become in our knowledge, our organization and our solidarity,” You Tho says.

Recently the number of community members in his network has increased significantly, with more and more villages joining the struggle against land-grabbing.

You Tho’s strength, and that of his community, is constantly tested by the company as well as the police and military. The villagers have dealt with police violence during demonstrations, and a number have been injured. Although they have not threatened him directly, police told villagers on numerous occasions that You Tho would be sent back to prison. They also follow him and monitor his activities. On one occasion, he observed police outside his home during a meeting. He invited them in, telling them they could report if he said anything wrong. The police declined to enter.

“I have no fear of being arrested,” You Tho says. “[The police] are trying to weaken us by intimidation. I know that if I fear them, then I cannot be a leader. So I do not listen to the threats.”

You Tho remains above all a realist, conscious of the challenges and limits to community protests and what they can achieve.

“I have hope for the future,” he says, “but there are different kinds of hope. We cannot hope to keep all of our land. Yet if we do not protest, then we will lose all of our land. Keeping 50 percent of what is ours is better than nothing. We do desire to retain all of our land against the company’s wishes, but this is hopeless in the current circumstances.”

You Tho knows that his community cannot reclaim all of the land appropriated by Ly Yong Phat’s company without government support. Unfortunately the only assistance that they have received so far is from their community network and NGOs.

“Our community is like an orphan,” he says. “We are abandoned and left to fend for ourselves.”

“I do think that the people are strong,” he continues. “But if we have no support from the government, then our enemies will never stop trying to take our land. This is a very political issue. In our case, the company uses the name of the Prime Minister to protect themselves. They say the Prime Minister gave the land to them, and therefore they are allowed to take it. So the government does not support the people. The sad truth is that without government support we will not succeed. By ourselves we may achieve small victories. Nonetheless our enemies are relentless and we can never stop them entirely.”

“I would very much like to see a change in government,” he says. “But I do not know if that is likely to happen.”

RECOMMENDATIONS

LICADHO believes that the Royal Government of Cambodia should take the following steps in order to improve the situation of human rights defenders:

- Combat the culture of impunity and corruption by prosecuting government officials – including court officials, police, military police and the RCAF – responsible for or complicit in attacks and threats against human rights defenders. Specifically, LICADHO demands a serious and thorough inquiry into the unresolved assassinations or disappearances of 10 journalists since the 1990s.
- Cease arresting and detaining human rights defenders in the course of their activities, whether without charges or using spurious legal accusations such as disinformation or incitement.
- Allow peaceful protests to proceed unhindered by police obstruction or violence, as guaranteed by Cambodia’s Constitution.
- Conduct a thorough revision process with regard to the independence of the judiciary, focusing specifically on the appointment of judges and prosecutors and their removal from office. LICADHO emphasizes that judges should have guaranteed security of tenure on good behavior once appointed and should be free from any influence, especially from the executive branch.
- Take steps to ensure that human rights defenders in NGOs which assist sex workers are not threatened by the new anti-trafficking legislation.
- Ensure that the new anti-corruption legislation is employed for its true purpose – to prosecute corruption within the government – and not used to target human rights defenders, NGOs or unions.
- Cease using bail as a way of threatening human rights defenders. Bail is meant to avoid unnecessary pretrial detention, not as a probation mechanism to intimidate or control the activities of human rights defenders. Also, amend the Code of Criminal Procedure to include a specific timeframe for the length of judicial supervision, and stop holding criminally-charged human rights defenders under “perpetual bail”.
- Halt the enactment plans of an NGO law, which would most likely be used to intimidate and restrict the activities of human rights defenders in NGOs

ANNEX1: Human Rights Defenders in Cambodia January 2008 - December 2008

3 January 2008

Takeo

ILLEGAL ARREST AND
DETENTION

Six NICFEC volunteers and a village chief arrested in Takeo ²⁴

- On 3 January 2008, six Neutral and Impartial Committee for Free and Fair Elections (NICFEC) volunteers and a village chief were arrested by Daun Keo and Kirivong police for allegedly collecting thumbprints from villagers to support a pending anti-corruption law without authorization from local authorities.
- Takeo-based NICFEC coordinator Hak Sophos Ry claims that she submitted a letter of authorization stating the event's purpose to the provincial governor before organizing the event.
- All arrested persons were questioned regarding the thumbprints and detained at the Kiri Vong district police station for four hours before being sent to the Takeo provincial commissariat. They were released five hours later. All of the thumbprints were confiscated by district police.

13 January 2008

Kampong Thom

ILLEGAL ARREST AND
DETENTION

FORCED EVICTION

THREATS,
HARASSMENT AND
INTIMIDATION

Representative illegally arrested, 1,362 families under threat of forced eviction²⁵

- On 13 January 2008, Kong Sao, a representative of the Agricultural Development and Disabled Veteran Association, was arrested by forestry administration authorities without a warrant.
- The Handicapped Military for Agricultural Development (HMADA) representative and 1,362 families were involved in an ongoing dispute with the Tan Bien Vietnamese company over an alleged state land concession in Kraya commune, Santuk district.
- On 24 July 2007 after continuous threats and intimidation by Ten Bien, 118 armed military police led by Heng Kamix blocked the road in an attempt to force the villagers to move to a new area in Trapeang Rosei where the soil is dry and difficult to farm. The villagers refused to evacuate.
- On 10 January 2008 armed civilian and military forces created a roadblock, trapping the villagers and cutting them off from their food supplies. Three days later, on 13 January 2008, Kong Sao, a village representative, was arrested.
- On 27 March 2008, Kong Sao was charged with illegal encroachment on forest land. A provincial court sentenced him to five years' imprisonment on 8 October 2009.

²⁴ Unpublished LICADHO Monitoring Report: PP006IAD08.

²⁵ Unpublished LICADHO Monitoring Report: KT012FE08.

<p>13 January 2008</p>	<p>Six community representatives illegally arrested and detained²⁶</p>
<p>Kampong Thom</p>	<ul style="list-style-type: none"> ▪ On 13 January 2008, deputy director of the Association for Agricultural Development for the Disabled representative, Sao Mony, was illegally arrested and detained without a warrant by forestry administration officers, who accused him of incitement. ▪ On 22 October 2008, six villagers, Pov Ry, Pot Sothea, Math Mareth, Tach Sarin, Sok Chantha and Bou Kim, were arrested and detained overnight by Santuk district forestry administration officials for questioning. ▪ On 23 October 2008, three of the six villagers were released. The remaining villagers, Math Mareth, Tach Sain and Bou Kim, were sent to the provincial court after being accused of illegal logging. ▪ On 24 October the three villagers were released on bail. They were defended by a Cambodian Defenders Project (CDP) lawyer. ▪ On 16 November 2009, representative Heng Han was arrested. He was sent to the provincial prison on 20 November 2009, and released on bail on 8 December 2009 after being charged with arson and destruction of property. ▪ On 17 November 2009, three more representatives were arrested. Soem Thuok was released on 26 January 2010, and Suon Sokhorn 30 December 2009. Beng Han, on the other hand, was detained after being charged with arson and destruction of property. ▪ On 19 November 2009, three more representatives were arrested. Khoun Som Oeun was released on 10 February 2010, and Sok Yuong was released on 26 April 2010. Sear Hib was detained in the provincial prison after being charged with arson and destruction of property.
<p>ILLEGAL ARREST AND DETENTION</p>	
<p>FORCED EVICTION</p>	
<p>THREATS, HARASSMENT & INTIMIDATION</p>	
<p>20 January 2008</p>	<p>Mia Farrow and civil society groups prevented from conducting peaceful gathering²⁷</p>
<p>Phnom Penh</p>	<ul style="list-style-type: none"> ▪ On 20 January 2008, police and military personnel armed with guns and electric batons prevented a delegation of people led by US actor and human rights activist Mia Farrow from entering Phnom Penh's Tuol Sleng Genocide Museum. ▪ The global Dream for Darfur delegation had intended to lay flowers at the site in remembrance of the victims of the Khmer Rouge regime. ▪ The Dream For Darfur campaign aimed to draw attention to China's economic support of Sudan and the war in Darfur before the Olympic Games in August 2008. ▪ Dispersed by the police, the delegation held a media conference following the event condemning the violation of their rights of assembly and expression.
<p>OBSTRUCTION TO FREEDOM OF EXPRESSION & ASSEMBLY</p>	
<p>2-26 January 2008</p>	<p>Strike by garment workers for fired union leaders obstructed by police ²⁸</p>
<p>Kampong Speu</p>	<ul style="list-style-type: none"> ▪ Approximately 300 Kampong Speu province garment factory workers

²⁶ Unpublished LICADHO Monitoring Report: KT012FE08.

²⁷ Unpublished LICADHO Monitoring Report: PP007OFEA08.

²⁸ Unpublished LICADHO Monitoring Report: KS007OFEA08; See also: Chhorn Chansy, "Garment Workers' Strike Enters 4th Week in Kampong Speu," *The Cambodia Daily*, 25 January 2008.

<p>PHYSICAL ASSAULT</p> <p>OBSTRUCTION TO FREEDOM OF EXPRESSION & ASSEMBLY</p>	<p>and union members were obstructed from demonstrating by 30 district police officers while on strike over the firing of three union leaders.</p> <ul style="list-style-type: none"> ▪ The strike, which originally had 600 participants, began on 2 January 2008 after the three leaders were fired from the factory. On 16 January, three Sam Rainsy Party lawmakers led garment workers in a demonstration outside the National Assembly, after an unsuccessful attempt to meet with the factory owner. ▪ On 21 January 2008, about 200 workers rallied in front of Kampong Speu Provincial Court to lodge a complaint against the factory owner, whom they accused of violating the Cambodian Labor Law by firing the union leaders. ▪ Despite these allegations, the three union leaders were not rehired and the majority of the strikers eventually returned to work.
<p>6 February 2008</p> <p>Phnom Penh</p> <p>PHYSICAL ASSAULT</p> <p>OBSTRUCTION TO FREEDOM OF EXPRESSION & ASSEMBLY</p>	<p>Garment factory strike ends in violence²⁹</p> <ul style="list-style-type: none"> ▪ On 6 February 2008, 500 workers and members of the Cambodia Confederation of Apparel Worker Democratic Unions (CCAWDU) gathered in front of the Kingsland factory demanding the reinstatement of 19 union representatives fired by the factory in June 2007. The workers blocked the entrance to the factory, demanding a solution from the factory manager. ▪ The factory owner and management team refused to negotiate with the group. In the evening a group of police and military police forcibly cleared the entranceway to the factory and signaled for the factory owner's car to leave. The car hit several workers; 11 others were injured in the violence, with five of them hospitalized. ▪ On 8 February, CCAWDU filed a complaint with the Ministry of Interior and the Kandal Provincial Court on behalf of the garment workers, but no action was taken.
<p>15 February 2008</p> <p>Preah Sihanouk</p> <p>THREATS, HARASSMENT AND INTIMIDATION</p>	<p>Villagers threatened at gunpoint; three community representatives illegally arrested and detained in land dispute³⁰</p> <ul style="list-style-type: none"> ▪ On 15 February 2008, 58 families including two community representatives, were threatened over a land dispute with Evergreen Success & Asia Resort Development Group and Nov Karon, an official with the Ministry of Agriculture, Forestry and Fisheries, in Ream commune, Prey Nob district, Sihanoukville. ▪ The company claimed that the Cambodian government granted it permission to rent land to construct a road from National Road 4 to Ream National Park in Preah Sihanouk province. But the company did not inform or cooperate with the local authorities to secure approval for the project. Investigations indicated that construction of the road would affect 40 hectares of land occupied by villagers and would result in approximately 50 families losing their lands.

²⁹ Unpublished LICADHO Monitoring Report: PP021PA08; See Also: Pin Sisovann and Fergal Quinn, "Ten Injured in Garment Factory Strike Violence," *The Cambodia Daily*, 8 February 2008.

³⁰ Unpublished LICADHO Monitoring Report: SV014LG08.

<p>LAND GRABBING</p>	<ul style="list-style-type: none"> ▪ The company, with the complicity of the Ministry of Agriculture, Forestry and Fisheries official Nov Karon, threatened villagers and prohibited them from working on their farmland. ▪ On 21 February 2008, community representatives sent a letter to Prime Minister Hun Sen. ▪ On 28 February 2008, the Land Dispute Committee asked the Ream commune chief to create a committee in order to resolve the dispute. The committee recommended that the company provide fair compensation to the affected families before appropriating the land. However, the company ignored the recommendation, and therefore the issue is still unresolved. ▪ On 30 March 2008, Nov Karon, accompanied by eight men armed with guns, threatened villagers while they were clearing the land. ▪ On 9 April 2008, three community representatives – Vin Rea, Prak Somaly and Som Solida – were arrested and taken to Phnom Penh. ▪ On 14 April 2008, Prak Somaly and Som Solida were released after an intervention by LICADHO, but Vin Rea remained in custody. The dispute is ongoing.
<p>3 March 2008</p>	<p>FTU factory chief hospitalized after attack ³¹</p>
<p>Phnom Penh</p>	<ul style="list-style-type: none"> ▪ Keo Sokhun, union chief at New Minda Co Ltd garment factory, filed a complaint with the Phnom Penh Municipal Court for attempted murder after four men allegedly beat him using sticks as well as their fists, and sliced his nose with a knife.
<p>PHYSICAL ASSAULT</p> <p>THREATS, HARASSMENT AND INTIMIDATION</p>	<ul style="list-style-type: none"> ▪ Two of the four men subsequently fled the scene, while the other two were arrested and sent to the municipal court. ▪ Free Trade Union President Chea Mony explained that Keo Sokhun had been campaigning for better working conditions and higher wages at the factory. On the day of the attack he had received a threat from a member of the rival Cambodia Union Federation. ▪ On 23 July 2008, in a public hearing, a Phnom Penh court sentenced one man to six months imprisonment and the other to 18 months imprisonment plus five years probation for the attack. Both perpetrators were ordered to pay the plaintiff US \$300.
<p>4 March 2008</p>	<p>Community representative and 33 villagers illegally detained by police in ongoing land dispute ³²</p>
<p>Banteay Meanchey</p> <p>ILLEGAL ARREST AND DETENTION</p>	<ul style="list-style-type: none"> ▪ On 4 March 2008, 33 villagers led by community representative Van Saroeun were arrested and detained after attempting to meet with the Prime Minister at Meanchey University in Battambang province. The villagers wished to request an intervention in an ongoing land dispute in Teuk Thla commune, Serei Sophoan district, Banteay Meanchey. ▪ Police arrested and questioned the 33 villagers. They formally charged village representative Van Saroeun with incitement and destruction of

³¹ Pin Sisovann, "Attackers Put FTU Factory Chief in Hospital," *The Cambodia Daily*, 3 March 2008.

³² Unpublished LICADHO Monitoring Report: BM0241AD08.

	<p>property.</p> <ul style="list-style-type: none"> ▪ Van Saroeun was sent to a provincial prison. Three days later he was released on bail and the charges were dropped.
21 March 2008	Military police shoot man in Preah Sihanouk land dispute ³³
Preah Sihanouk	<ul style="list-style-type: none"> ▪ Military police shot a villager three times and detained three others in Preah Sihanouk after a group of villagers began destroying a fence that a development company had erected around their homes. ▪ Approximately 40 villagers representing 125 families were clearing grass to mark the 13.7 hectares in Mittapheap district they claim to have owned since the 1980s, which was disputed by the Thai Boon Roong company. ▪ Vath Pheap was shot in both hands and the thigh. Shots were allegedly fired into the air when villagers armed with machetes ran after military police hired by the company. Twenty military police had threatened to shoot villagers if they continued to clear the land. Vath Pheap was immediately taken by the police to a private clinic after being shot.
ILLEGAL ARREST AND DETENTION	
PHYSICAL ASSAULT	
LAND GRABBING	<ul style="list-style-type: none"> ▪ Four villagers who tried to intervene were arrested and detained at a military police commissariat. One was released after showing his Cambodian-American residence card, while the other three were kept in detention and charged with destruction of property. They were later released upon the intervention of the Prime Minister. ▪ None of the perpetrators has since been charged.
25 March 2008	Banteay Meanchey village representatives arrested in land dispute ³⁴
Banteay Meanchey	<ul style="list-style-type: none"> ▪ On 8 and 13 March 2008, three village representatives from the Preah Ponlea commune in Banteay Meanchey's Serei Saophoan district were arrested by police in relation to a land dispute with local authorities. ▪ The villagers, who claim that they have lived on the land since the 1980s, called on the Prime Minister to intervene, as he had apparently written a letter in 2000 instructing local authorities to issue the villagers' land titles. ▪ The three village representatives were arrested on suspicion of illegally occupying portions of the disputed 10.8-hectare plot. The representatives were later released.
ILLEGAL ARREST AND DETENTION	
FAILURE TO PROTECT OR PROSECUTE	
LAND GRABBING	
10 April 2008	RFA reporter receives death threat ³⁵
Battambang	<ul style="list-style-type: none"> ▪ On 10 April 2008, a death threat was made against Radio Free Asia reporter Lim Piseth, whose daughter found six AK-47 bullets left outside his Battambang province home. He was at this time

³³ Chhay Channyda, "Military Police Shoot Man in Preah Sihanouk Dispute," *The Cambodia Daily*, 21 March 2008: Unpublished LICADHO Monitoring Report: SV017LG08.

³⁴ Saing Soenthrith, "Banteay Meanchey Villages Detail Arrests Over Land," *The Cambodia Daily*, 25 March 2008: Unpublished LICADHO Monitoring Report: BM025LG08

³⁵ Eang Mengleng, "RFA Reporter Receives Apparent Death Threat," *The Cambodia Daily*, 14 April 2008. See also: <http://www.licadho-cambodia.org/articles/20080508/74/index.html>: Unpublished LICADHO Monitoring Report: BB014DT08

DEATH THREATS	<p>investigating a murder linked to a casino in Poipet.</p> <ul style="list-style-type: none"> ▪ Three days later, in Phnom Penh, a group of eight men on motorcycles followed Lim Piseth while he was riding his motorcycle along a quiet street. ▪ Lim Piseth had previously received death threats in relation to sensitive topics which he actively investigated and reported, such as the massive illegal logging in Tumring and Prey Long in Kampong Thom. For example, earlier in 2008, he had received several threatening text messages on his cell phone. ▪ In May 2008, Lim Piseth and his family sought asylum with the United Nations High Commission for Refugees in Thailand. Piseth and his family were recognized as refugees less than two months after applying. In January 2009, they resettled in Norway.
27 April 2008	Two community representatives illegally arrested³⁶
Kampong Thom	<ul style="list-style-type: none"> ▪ On 27 April 2008, two community representatives were illegally arrested in relation to a land dispute between 130 families and a doctor, Ket Vutha, in Kakoh commune, Santuk district, Kampong Thom. ▪ On 29 April 2008, two villagers, Om Bun Em and Ry Rot, were arrested without a warrant and accused of involvement in the destruction of private property. ▪ The dispute arose when Ket Vutha claimed entitlement to six hectares of community land occupied by the villagers. The villagers, who have occupied the land for many years, disputed Ket Vutha's claim. They questioned the legitimacy of Ket Vutha's land receipt, which was issued by the former deputy village chief of Chi Meak village, Kakoh commune, rather than by the Santuk district authority. ▪ On 27 April 2008, approximately 100 villagers involved in the dispute attempted to remove a border pole. An associate of Ket Vutha took pictures of the villagers removing the pole in order to incriminate them. The dispute is ongoing.
ILLEGAL ARREST AND DETENTION	
LAND GRABBING	
30 April 2008	Protester arrested en route to Prime Minister's home³⁷
Koh Kong	<ul style="list-style-type: none"> ▪ A Koh Kong province land dispute protester was arrested while attempting to travel to the Prime Minister's home in Kandal province. ▪ Kampong Seila district RCAF chief Sam Samean received orders from the Koh Kong Provincial Court to arrest Meas Asy, who was traveling with a group of 20 protesters. ▪ Villager representative Him Y said the group represented 75 families from Chhouk village in the Chi Khor Loeu commune, who claim their land is being grabbed by a local police official. ▪ Meas Asy was released on bail after being held in pretrial detention for one month at Koh Kong prison. He was charged with incitement and destruction of property.
ILLEGAL ARREST AND DETENTION	
LAND GRABBING	

³⁶ Unpublished LICADHO Monitoring Report: KT016LG08.

³⁷ Eang Mengleng, "Protester Arrested While Travelling to PM's House," *The Cambodia Daily*, 30 April 2008. Unpublished LICADHO Monitoring Report: KK044LG07.

1 May 2008	<ul style="list-style-type: none"> The case is still pending.
Phnom Penh	1,000 workers prevented from joining Chea Vichea commemoration march led by Sam Rainsy ³⁸
OBSTRUCTION TO FREEDOM OF EXPRESSION & ASSEMBLY	<ul style="list-style-type: none"> On 1 May 2008, 1,000 workers led by Sam Rainsy gathered to commemorate murdered union leader Chea Vichea's death. The group planned to march to the place where Chea Vichea was killed near Wat Lanka in central Phnom Penh. They were stopped in front of Build Bright University by approximately 200 armed police equipped with batons and shields, led by Chamkar Morn district inspector Uch Sakhorn. The police blockaded the road to prevent the workers from continuing their march, claiming it was necessary to maintain traffic regulations despite the fact that the workers had received the Municipality's permission before the march. The group changed their route and were able to reach their destination.
6 May 2008	Three community representatives arrested; 15 houses destroyed in land dispute ³⁹
Preah Sihanouk	<ul style="list-style-type: none"> On 6 May 2008, provincial forestry administration chief Yu Bunthean ordered the arrest of three community representatives and the destruction of 15 houses in an ongoing land dispute between the forestry official and families in Sangkat 1 commune, Mittapheap district, Sihanoukville.
ILLEGAL ARREST & DETENTION	<ul style="list-style-type: none"> On 29 April 2008, villagers cleared some land in a conservation area to protect their clean water supply and erect houses.
LAND GRABBING	<ul style="list-style-type: none"> On 6 May 2008, approximately 20 military police and forestry officials armed with guns and bulldozers arrived at the disputed land, destroyed the property and arrested three community representatives. Two village representatives confronted police and were arrested. The village representatives were then forced to pay US\$300 as a fine for illegally erecting houses and clearing the forest, and for the cost of transport to the property.
DESTRUCTION & ILLEGAL APPROPRIATION OF PROPERTY	<ul style="list-style-type: none"> On 28 May 2008, 156 families lodged a complaint with Prime Minister Hun Sen to coordinate a social concession policy. The situation remains unresolved.
16 May 2008	50 demonstrators obstructed by border police force ⁴⁰
Banteay Meanchey	<ul style="list-style-type: none"> On 16 May 2008, about 50 residents from Kbal Spean village, Poipet commune, Ou Chrov district, Banteay Meanchey province, led by the president of Independent Democracy of Informal Economic Association (IDEA) Kong Rethy, were prevented from demonstrating by border police and armed forces who blocked the road.
OBSTRUCTION TO FREEDOM OF	

³⁸ Unpublished LICADHO Monitoring Report: PP0630FEA08.

³⁹ Unpublished LICADHO Monitoring Report: SV023LG08.

⁴⁰ Unpublished LICADHO Monitoring Report: BM0280FEA08.

<p>EXPRESSION & ASSEMBLY</p>	<ul style="list-style-type: none"> ▪ On 14 May 2008, Mr. Kong Rethy and his team delivered booklets to inform the workers that a non-violent demonstration would commence on 16 May 2008, calling for the government to reduce the cost of petrol and rice, to increase civil servant salaries, and to stop corruption at the Poipet international border crossing. ▪ On 16 May 2008, Complaint and Conflict Resolution Director Mong Sothy was stopped by border immigration officers and accused of distributing unlawful booklets. He was then taken to the inspection office for interrogation and forced to sign an agreement whereby he consented to cease distributing the booklets. Mong Sothy was released a few hours later.
<p>21 May 2008</p>	<p>Three journalists arrested, charged in alleged money extortion ⁴¹</p>
<p>Kampong Thom</p>	<ul style="list-style-type: none"> ▪ Reporters Ros Chanty and Tok Suon of the <i>Samleng Santepheap</i> newspaper as well as Suon Sinath of <i>Meatophoum</i> newspaper, were arrested after allegedly telling a driver transporting wood that they would write a story branding him an illegal timber smuggler unless he paid them. ▪ Sok Sovann, president of the Khmer Journalist Democracy Association, denied the men broke any laws and said they were arrested for covering illegal logging in the area. ▪ The journalists were detained at a district office for one night then sent to the Kampong Thom police station. On 23 May they appeared before the court and were charged with fraud. ▪ On 29 May they were released on bail.
<p>ILLEGAL ARREST AND DETENTION</p>	
<p>24 May 2008</p>	<p>Three community representatives released after three-hour detention ⁴²</p>
<p>Battambang</p>	<ul style="list-style-type: none"> ▪ Three community representatives were arrested and then released by local police and gendarmes in Pailin while monitoring a land rights protest on 24 May 2008. They were detained and interrogated for three hours and were only released after they signed an agreement stating that they would remain uninvolved in any future incitement activities. ▪ Chheut Chhan, Leang Chang and Un Thear represented 52 families who had lived on the land since 1999. The three men were charged with incitement and obstruction of justice.
<p>ILLEGAL ARREST AND DETENTION</p>	
<p>DESTRUCTION & ILLEGAL APPROPRIATION OF PROPERTY</p>	
<p>30 May 2008</p>	<p>Villagers threatened; community representative arrested and jailed in ongoing land dispute⁴³</p>
<p>Kampot</p>	<ul style="list-style-type: none"> ▪ On 30 May 2008, community representative Eam Sath was arrested and forced to thumbprint a document agreeing on behalf of 27 families to abandon land that they had occupied since 1992. The land dispute
<p>THREATS, HARASSMENT &</p>	

⁴¹ Unpublished LICADHO Monitoring Report: KT022IAD08; See Also: Saing Soenthrit, "Journalists Arrested in Illegally Money Extortion," *The Cambodia Daily*, 23 May 2008.

⁴² Unpublished LICADHO Monitoring Report: BB019FE08; See Also Sok Serei, "Four Community Representatives Arrest and Release," *Radio Free Asia*, 24 May 2008.

⁴³ Unpublished LICADHO Monitoring Report: KP042LG08.

<p>INTIMIDATION</p> <p>DESTRUCTION & ILLEGAL APPROPRIATION OF PROPERTY</p> <p>FORCED EVICTION</p> <p>LAND GRABBING</p>	<p>involved Kampot district forestry administration chief Mak Heang.</p> <ul style="list-style-type: none"> ▪ Eam Sath was held in pretrial detention for two months and four days. He was eventually given a one-year sentence on charges of grabbing state land. ▪ The dispute arose in 2003 when the forestry authority issued a letter to the villagers claiming the land was state-owned and ordered them off the land. The authority did not take further action until 5 June 2007, when Mak Heang invited villagers to provide information in relation to the land dispute at his office one by one. Twenty-seven families were then threatened by the Prek Ampil village chief in Koh Touch commune, Kampot district, Kampot.
<p>17 June 2008</p> <p>Ratanakkiri</p> <p>THREATS, HARASSMENT & INTIMIDATION</p> <p>LAND GRABBING</p>	<p>Officials threaten villagers in land dispute⁴⁴</p> <ul style="list-style-type: none"> ▪ In 2007 over 140 residents of two Batang commune villages accused members of the Prime Minister's bodyguard corps, later linked to the company DM Group, of illegally clearing 200 hectares of their land, and complained of intimidation to rights group ADHOC. ▪ The villagers filed a complaint, but the village representative, a police officer named Sun Vev, of Lumphat district, said that NALDR Deputy Secretary General In Viracheat threatened him and three other Tampuan ethnic minority villagers (Phlang Mea, Yang Than, and Thoung Ty) with legal action if they did not withdraw their complaint. ▪ The villagers were thus coerced into withdrawing the lawsuit.
<p>20-23 June 2008</p> <p>Kampot</p> <p>THREATS, HARASSMENT & INTIMIDATION</p> <p>LAND GRABBING</p> <p>DESTRUCTION & ILLEGAL APPROPRIATION OF PROPERTY</p>	<p>Villagers protest evictions in Kampot province⁴⁵</p> <ul style="list-style-type: none"> ▪ Over 200 villagers confronted armed soldiers while protesting evictions in Kampot province. Forestry Administration officials told more than 1,000 families from the Chey Szena village that they had to leave the land to make way for a tree nursery, though the area was reportedly recognized as a commune in 2006. ▪ Authorities started the eviction by dismantling 35 houses on 8-9 June 2008; an additional 102 houses were burned down on 16 June. ▪ From 20 June to 23 June 2008, a group of Brigade 31 soldiers continuously beat and harassed villagers. Soon afterwards four villagers were beaten, arrested and charged with destruction of property and phone theft. ▪ They were immediately detained by the investigating judge and held for almost six months in pre-trial detention until the Kampot court began hearing the case on 15 December 2008. ▪ A final agreement was reached later with the provision of a 30 x 100 meter plot of land to each family. The land has now been cleared.

⁴⁴ Kuch Naren, "Villagers Accuse Official of Threats in Dispute," *The Cambodia Daily*, 17 June 2008. Unpublished ADHOC monitoring report.

⁴⁵ Unpublished LICADHO Monitoring Report: KP019LG08; See also: Noeu Vannarin, "Villagers Protest Evictions in Kampot Province," *The Cambodia Daily*, 23 June 2008

1 July 2008

Kampong Thom

THREATS,
HARASSMENT &
INTIMIDATION

DEATH THREATS

Village chief, forestry community representative, and ten villagers receive death threats⁴⁶

- On 29 June 2008 military police issued a death threat to a forestry community chief in Prom Suy, and also to the Prey Lang forestry community representative Sao Keoun, Chaom Svay village chief Mao Thea, as well as 13 other members of the forestry community (a community formed by villagers to protect local forests).
- Military police officers So You and Noun Sokim issued the threat after the villagers cut down trees growing on communal land to build houses for monks in Chaom Svay village, Mean Rith commune, Sandan district, Kampong Thom. Military police aggressively confronted the victims who had returned from patrolling the forest, threatening to handcuff and shoot them. No one was harmed.
- The two military officers in question were transferred to a provincial office, and a military officer who still lives in Choam Svay apologized for the intimidation, but no further action was taken.

11 July 2008

Phnom Penh

KILLINGS

Journalist and son killed after publishing newspaper articles critical of government⁴⁷

- In the early evening of 11 July 2008, Mr Khim Sambor, a journalist with Moneaksekar Khmer (a newspaper affiliated with the Sam Rainsy Party), left the Olympic Stadium in Phnom Penh on a motorcycle driven by his son, Khat Sarinpheata. They were followed by two unknown individuals who fired a number of shots from a Hechler & Koch machine pistol, killing Mr Khim Sambor. His son was also hit and died later in hospital.
- Prior to the attack, Mr Khim Sambor had written numerous articles critical of the ruling Cambodian People's Party, as well as articles concerning cases of corruption allegedly implicating leading government officials.
- In 2003 Moneaksekar Khmer was closed down by the authorities for one month for publishing articles critical of the government, and in 2006 the newspaper was fined \$4,500 for reportedly linking a government minister to corruption. Furthermore in June 2008 Mr Dam Sith, editor of the Moneaksekar Khmer and an opposition candidate, was detained for a week and charged in relation to the reporting of a controversial speech by Sam Rainsy and the subsequent legal action that was brought against him by a government minister.
- On 21 July 2008, the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, sent a letter of complaint to the Cambodian government after receiving information about the murders. Sekaggya expressed concern that the events represented a direct attempt to stifle independent reporting in Cambodia, particularly in the run-up to the country's National Assembly elections

⁴⁶ Unpublished LICADHO Monitoring Report: KT031THI08.

⁴⁷ Human Rights Council, Tenth session, Report submitted by the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, Addendum, Summary of cases transmitted to Governments and replies received, <http://www2.ohchr.org/english/issues/defenders/docs/A.HRC.10.12.Add.1.pdf>

scheduled to take place on 27 July 2008. To date the Special Rapporteur has not received a response to her communications.

17 August 2008

Phnom Penh

OBSTRUCTION TO
FREEDOM OF
EXPRESSION &
ASSEMBLY

Peaceful demonstration over Preah Vihear temple blocked by police⁴⁸

- On 17 August 2008 at 7:00 a.m., 100 people gathered in front of the former National Assembly, led by Independent Teachers' Association chief Rong Chhun and Free Trade Union Workers of the Kingdom of Cambodia (FTUWKC) president Chea Mony, protesting Thailand's deployment of troops on Cambodian land at Preah Vihear temple, and demanding that the government take action.
- Rong Chhun and FTUWKC had previously sent a letter to the municipality requesting permission to conduct a peaceful demonstration, but permission was denied.
- Riot police armed with batons, shields and tear gas prevented the demonstrators from gathering in front of the National Assembly. Armed police officers led by Phnom Penh police chief Touch Naruth confiscated their belongings, including banners and a national flag.
- The group was again obstructed by riot police at FTUWKC headquarters.
- Fifty factory workers who attempted to join the demonstration were prevented by Dangkor police. One man was arrested, but released later that day after an intervention by a human rights group.

17 August 2008

Kampong Cham

ILLEGAL ARREST &
DETENTION

THREATS,
HARASSMENT &
INTIMIDATION

LAND GRABBING

Village representative arrested at police office ⁴⁹

- On 25 May 2008, 7.61 hectares of land occupied by six families in Cham Pour village, Roka Porbram commune, Tboung Khmom district, Kampong Cham province was grabbed by Roka Porbram commune police officer Eam Sam Oeun. The villagers were told to leave the land so it could be cleared. Village representative Sam Ry was charged with destruction of property.
- Villagers claimed they had lived on the land without problems since 1997. On 25 May 2008, Eam Sam Oeun and two police officers prevented the villagers from working or farming the land, threatening that any resisters would be shot. The villagers complained to the village chief and the commune chief, but to no avail. A further complaint was rejected by the cadastre who issued a letter announcing the land was unoccupied. The land was cleared and rented to another party.
- On 17 August 2008, Tboung Khmom commune police inspector Long Sreang summoned Sam Ry as a representative of six of the village's families. He was arrested upon his arrival at the police office and accused of destroying property. He is currently detained in Kampong Cham prison.
- Sam Ry's lawyer submitted a letter to the court asking for his release on bail, which remains unanswered by the investigating judge Keo San.

⁴⁸ Unpublished LICADHO Monitoring Report: PP108OFEA08.

⁴⁹ Unpublished LICADHO Monitoring Report: KC049LG08.

	<ul style="list-style-type: none"> On 13 October 2009, Sam Ry was sentenced to 18 months imprisonment.
<p>25 August 2008</p>	<p>Evictee representative sentenced to three years for assault ⁵⁰</p>
<p>Phnom Penh</p>	<ul style="list-style-type: none"> A former representative of displaced Phnom Penh community Dey Krahorn was sentenced to three years in prison on 25 August 2008 for assault, defamation and forgery following a dispute with a village chief.
<p>ILLEGAL ARREST & DETENTION</p>	<ul style="list-style-type: none"> Lor Seiha was accused of beating village chief Seoung Yiko as well as forging the names of complainants in relation to the eviction of the Dey Krahorn community in the Chamkarmon district on the Tonle Bassac river. His lawyer maintained that the letter was a legitimate complaint signed by 33 residents, and denied Lor Seiha had assaulted the chief.
<p>LAND GRABBING</p>	<ul style="list-style-type: none"> Phnom Penh Municipal Court judge Ka Sakhorn sentenced the accused to three years imprisonment and imposed a fine of 1 million riel (USD \$250). The sentence was reduced by 18 months after consideration of the six months Lor Seiha spent in pre-trial detention. Following his sentencing the court instructed the public prosecutor to reopen criminal investigations into the seven other Dey Krahorn residents named in the original complaint. The judge did not specify any reasons for reopening these cases.
<p>4 September 2008</p>	<p>Verdict pending for 15 accused in land-clearing trial ⁵¹</p>
<p>Preah Vihear</p>	<ul style="list-style-type: none"> On 3 September 2008, the Phnom Penh Municipal Court concluded the trial of 15 people accused of clearing 470 hectares of forested land in a protected area in Preah Vihear province as well as using weapons against authorities during an eviction in November 2007 that left two villagers dead and five injured.
<p>KILLINGS</p>	<ul style="list-style-type: none"> Former provincial deputy governor and Funcinpec member Meas Savoeun refused to answer any questions during his trial, and told the three-judge panel in his final address on 3 September that he was innocent. He refused to support the 317 families who had encroached on the state-owned land, affirming that he had fought the encroachment.
<p>PHYSICAL ASSAULT</p>	<ul style="list-style-type: none"> Deputy Prosecutor Hing Bunchea asked the judges to drop charges against four of the 15 accused because of a lack of evidence. Judge Nhean Sovann said a verdict would be read at an unspecified date in the future.
<p>LAND GRABBING</p>	
<p>5 September 2008</p>	<p>Village representatives arrested in land dispute; prosecutor involved in land dispute unlawfully intervened⁵²</p>
<p>Banteay Manthey</p>	<ul style="list-style-type: none"> On 5 September 2008, four village representatives were unjustly

⁵⁰ Unpublished LICADHO Monitoring Report; See also Chiep Mony, VOA Khmer Report, 25 August 2008: <http://www.voanews.com/Khmer/archive/2008-08/2008-08-25-voa7.cfm?moddate=2008-08-25>

⁵¹ Prak Chan Thul, "Verdict Pending for 15 Accused in Land-Clearing Trial," *The Cambodia Daily*, 4 September 2008.

⁵² Unpublished LICADHO Monitoring Reports: PS015IAD09 and BM083LG07.

ILLEGAL ARREST & DETENTION

arrested and detained by Pursat Provincial Court prosecutor Top Chansereyvuth, a former Banteay Meanchey judge, as part of an ongoing land dispute between National Agriculture Development Organization (NADO) and 170 families in O Chrov district, Banteay Meanchey. The representatives were protesting the decade-long land dispute in which provincial officials and the Pursat Provincial Court prosecutor were involved.

- The four village representatives were scheduled to be tried at the Beanteay Meanchey court for the alleged destruction of property during a protest, but were transferred to the Pursat Provincial Court on 9 February 2009 by prosecutor Top Chansereyvuth. On 9 February 2009, the chief prosecutor of the Banteay Meanchey court, So Vath, said he did not know why the case had been transferred from his court to Pursat. Soura Chankea, the Banteay Meanchey provincial coordinator for local rights group ADHOC, said he had documents showing that Top Chanseryvuth had received two hectares of the disputed land from NADO.
- On 18 February 2009, the Pursat court decided that the dispute was situated outside its jurisdiction and ordered that the four men, Chhor Touch, Morm Sarun, Chorm Chanthan and Chea Sitha, be released on bail.
- The dispute began on 17 September 2004, when five villagers in the land dispute were arrested and detained in Pursat provincial prison for one year and ordered to pay 400,000 riel each in compensation without any investigation.
- On 7 June 2007, Top Chansereyvuth reportedly threatened three journalists from the *Tossanak Khmer & Kampuchea Ekareach* newspapers who were investigating the land dispute.

10 September 2008**Siem Reap**

Families in land dispute receive death threat from provincial military official; community representatives arrested and released on bail⁵³

- On 10 September 2008, community representative Prok Yorm and 40 families received death threats as part of a land dispute with provincial military deputy commander Ream So, who sold disputed land in Tbeng commune, Banteay Srei district, Siem Reap.
- Ream So and four soldiers ordered the residents to move off the disputed land, which he claimed he had title to possess.
- On 14 September 2008, the provincial deputy prosecutor summoned community representatives Prok Yorm, Thorn Yeorm and Tan Pik to appear at court for a hearing about the disputed land. They were arrested on arrival.
- On 7 November 2008, the three were released on bail but later convicted at trial. They were each given an 18-month suspended sentence.

THREATS, HARASSMENT & INTIMIDATION**LAND GRABBING****19 September 2008**

Five villagers jailed over alleged destruction of private property⁵⁴

- Five residents of Tanouk village in Baseth district's Pheakdei

⁵³ Unpublished LICADHO Monitoring Report: SP051LG08.

⁵⁴ Kuch Naren, "5 Villagers Jailed Over Alleged Destruction of Private Property," *The Cambodia Daily*, 19 September 2008.

<p>Kampong Speu</p> <p>ILLEGAL ARREST & DETENTION</p> <p>LAND GRABBING</p>	<p>commune, Kampong Speu province – Pen Chhoeurn, Chea Rom, Kong Phos, Men Sokhorm, and Cheath Nam– were arrested on 17 September 2008 and jailed at the Kampong Speu prison for the second time in 2008 after being charged with destroying trees on a 4,900-hectare government land concession operated by the Golden Land Company.</p> <ul style="list-style-type: none"> ▪ The five were jailed once before for the same alleged incident, but were released on bail in March 2008 after promising to move from their land and to end their ownership dispute with the company. ▪ The dispute started in 2004 when the company was first granted the land concession and tried to move 200 families from 228 hectares of land, where they had lived since the 1980s.
<p>25 September 2008</p> <p>Phnom Penh</p> <p>DEATH THREAT</p> <p>THREATS, HARASSMENT & INTIMIDATION</p>	<p>Death threat against an NGO president⁵⁵</p> <ul style="list-style-type: none"> ▪ At 10 p.m. on 25 September 2008, while driving to his office in Phnom Penh, Cambodian National Research Organization president (CNRO) Heang Rithy and colleague Pho Lik were cut off by a luxury car with military plates. The driver pointed a gun at Heang Rithy and demanded that he exit his vehicle, before threatening to shoot him. On 26 September 2008, Heang Rithy filed a complaint to Senior Deputy Prime Minister and Minister of Interior Sar Kheng. Major Huot Sam Ol, commander of the Chamkar Mon military police, who also received a complaint from Heang Rithy, dismissed the episode as a mere traffic incident. ▪ Heang Rithy has previously helped villagers in Prek Pra commune involved in a land grabbing dispute with So Khun, the Minister of Post and Telecommunications. He has also broadcast on Beehive Radio FM105 criticizing the government and reporting human rights abuses. Heang Rithy has requested that LICADHO and the United Nations High Commissioner for Human Rights in Cambodia keep his personal safety under observation.
<p>30 September 2008</p> <p>Pursat</p> <p>THREATS, HARASSMENT & INTIMIDATION</p> <p>PHYSICAL ASSAULT</p> <p>ILLEGAL ARREST &</p>	<p>Journalist arrested after photographing military confiscation of timber⁵⁶</p> <ul style="list-style-type: none"> ▪ Pursat province journalist Him Mao, who writes under the pen name Kao Dara, was arrested on the morning of 28 September 2008. Police indicated that a violent incident occurred when he attempted to photograph military police confiscating illegal timber. ▪ Four military police officers had stopped an ox cart with two cubic meters of rosewood in Bakan district’s Talou commune, said commune police chief Nhein Savoeun. ▪ Kao Dara, from the Khmer-language newspaper <i>Rasmei Bayon</i>, arrived and started taking photographs. At that point the military police confiscated his camera and press pass, which angered a crowd of local villagers. Twenty villagers then attacked the military police, injuring one. ▪ On 29 October 2008, the Pursat Provincial Court charged Kao Dara

⁵⁵ Unpublished LICADHO Monitoring Report: PP150DT08.

⁵⁶ Saing Soenthrith, “Journalist Arrested After Photographing Military,” *The Cambodia Daily*, 30 September 2008.

<p>DETENTION</p>	<p>with violence with the intent to cause injury.</p> <ul style="list-style-type: none"> ▪ He currently remains in pre-trial detention in Pursat prison.
<p>15 November 2008</p> <p>Preah Sihanouk</p>	<p>Community representative detained over land dispute in Preah Sihanouk province ⁵⁷</p> <ul style="list-style-type: none"> ▪ On 15 November 2007, community representative Tith Lon was arrested and put in pretrial detention in relation to a land dispute between 41 families and former Prey Nob commune chief Loeung Men and Prey Nob's deputy governor Chan Rith. ▪ Loeung Men and Cham Rith were backed by former Preah Sihanouk governor Chum Horl, Preah Sihanouk deputy governor Prak Ham and Preah Sihanouk's financial department chief Uk Sarun. ▪ Tith Lon was released after three months in prison. ▪ The villagers have been farming the land since 1979. ▪ On 15 November 2008, village representatives were invited to participate in a meeting at the district office. Commune deputy chief Loeung Men and land management official Chan Rithy told villagers they would be imprisoned if they kept farming the land.
<p>THREATS, HARASSMENT & INTIMIDATION</p>	
<p>ILLEGAL ARREST & DETENTION</p>	
<p>19 November 2008</p> <p>Phnom Penh</p>	<p>Violence against 300 workers on strike at Phnom Penh factory ⁵⁸</p> <ul style="list-style-type: none"> ▪ Over 300 workers from Cambo Hansea Factory, led by the Free Trade Union Workers of the Kingdom of Cambodia (FTUKWC), went on strike after the factory owner, Korean national Yu Chang Woo, refused to provide compensation to a fired union representative Sok Sieng Hong, who was dismissed after being accused of stealing factory products. ▪ While more than 300 workers were striking in front of the factory on 19 November 2008, a group of approximately 10 suspected Cambodian Union Federation (CUF) members came in and destroyed factory union members' belongings, including bikes and speakers, in an attempt to break up the gathering. The CUF union, which is led by H.E. Sar Kheng advisor Mr. Choun Momthol, is known to be affiliated with the Cambodia People's Party of Prime Minister Hun Sen. ▪ Another group of suspected CUF members used violence against the workers, seriously injuring Doan Mom, a 33-year-old woman, whom they hit on the head with a rock. Two other workers suffered more superficial injuries: FTUKWC vice president Long Taosoan was beaten on his side, and Mea Bunna was hit on his right arm. ▪ Although police were observed passively witnessing the violent outbreak, one officer later told LICADHO monitors that no policemen were present. ▪ The workers could not reach a solution with the factory owner, who refused to negotiate with them. They returned to work one week after the strike commenced, as they no longer saw any benefit to demonstrating and needed to continue to earn their living.
<p>OBSTRUCTION TO FREEDOM OF EXPRESSION & ASSEMBLY</p>	
<p>DESTRUCTION OF PROPERTY</p>	
<p>PHYSICAL ASSAULT</p>	

⁵⁷ Unpublished LICADHO Monitoring Report: V008LG09.

⁵⁸ Unpublished LICADHO Monitoring Report: PP1600FEA08.

<p>27 November 2008 Ratanakkiri</p>	<p>Two indigenous community representatives held for seven months in pre-trial detention over land dispute with the niece of the Prime Minister's wife.</p>
<p>ILLEGAL ARREST & DETENTION</p>	<ul style="list-style-type: none">▪ On 27 November 2008, two indigenous community representatives, Yang Than and Sviv Vav, were arrested and held in pre-trial detention on charges of incitement in relation to a land dispute between 120 indigenous families and the DM Group Company. Six other villagers were sought for questioning but escaped into the forest.▪ DM Group Company, which belongs to Kim Chamroeung (a niece of Prime Ministers' wife), established a rubber plantation on over 300 hectares of land, which affected 120 indigenous families in Batang village, Batang commune, Long Phat district, Ratanakkiri.▪ In June 2009, ADHOC successfully negotiated the release of the two men with assurances that remaining villagers would be safe. The pair had spent seven months in detention.
<p>29 November 2008 Kampong Chhnang</p>	<p>Three community representatives detained; accused of land grabbing by private company⁵⁹</p>
<p>ILLEGAL ARREST & DETENTION</p>	<ul style="list-style-type: none">▪ On 29 November 2008, Kampong Chhnang prosecutor Penh Vibol issued a warrant to question three community representatives in relation to a land dispute between 54 families and Chinese company Tea Van at Krasah Thmei village, Chhuk Sa commune, Kampong Tralach district, Kampong Chhnang province. Sen Mathly, Tom Sary, Kob Meiy were questioned and accused by Judge Ly Koy of incitement and land grabbing.
<p>LAND GRABBING</p>	<ul style="list-style-type: none">▪ Kob Meiy was released on 24 December 2008, while Sen Mathly and Tom Sary were released on 2 February 2009.▪ The dispute concerned land occupied by 54 families since 1979. In the 1990s, the Chinese company sought to purchase the land from the villagers. Most refused, but a few sold their land for US\$800 per hectare. The Chinese company disappeared after the 1997 coup, but returned to reignite the dispute over one decade later.
<p>26 December 2008 – 2 February 2009</p>	<p>Siem Reap protest calls for release of detainees⁶⁰</p>
<p>Siem Reap</p>	<ul style="list-style-type: none">▪ On 22-23 January 2009, about 300 protesting villagers burned car tires outside the Siem Reap Provincial Court, demanding the release of two village representatives, Sin Leap and Chan Leap, and a journalist, Sin Samley. They were arrested without questioning on 26 December 2008 for allegedly forging documents connected to a land dispute in Chi Kreng district's Anlong Samnor commune.▪ The villagers accused authorities, including Chi Kreng District Governor Kao Sophoan, of plotting to sell the land where they have
<p>ILLEGAL ARREST & DETENTION</p>	

⁵⁹ Unpublished LICADHO Monitoring Report: KN045LG08

⁶⁰ Unpublished LICADHO Monitoring Report: SP001LG09; See also: Saing Soenthrith, "Villagers, Reporters Jailed Over Siem Reap Dispute" *The Cambodia Daily*, 30 December 2008. See also: Rann Reuy and Kuch Naren, "Siem Reap Protest Calls for Release of Detainees," *The Cambodia Daily*, 19 January 2009; See also: Neou Vannarin, "Village Representatives, Journalist To Get Bail," *The Cambodia Daily*, 2 February 2009.

been farming since 1981.

- The men were released from pretrial detention on 29 January 2009.
- On 2 February 2009, the Court of Appeal granted the three men bail, and released them on 6 February 2009. Provincial Governor Sou Phirin agreed to meet with village representatives, lawyers, judges, NGOs and journalists in an effort to find a compromise between the parties.
- Although the prisoners were released on bail they were placed under surveillance, and were required to check in at the district police office every two weeks. The court has since dropped charges against them.

ANNEX 2: Human Rights Defenders in Cambodia January 2009 - December 2009

19 January 2009

Kandal

OBSTRUCTION TO
FREEDOM OF
EXPRESSION &
ASSEMBLY

Military police block peaceful protest⁶¹

- Cambodian military police prevented villagers from protesting near the Prime Minister's home in Kandal province on 19 January 2009, following a shooting incident. Nearly 40 village representatives from Kandal Stung district, Kandal province, who were embroiled in a land dispute with the Heng Akphiwath company, gathered near the Prime Minister's home. One protester claimed that armed military police dispersed them and ordered them to return home.
- Kandal Governor Chhun Sirun denied that military police had blocked the protest.
- The attempted protest followed a shooting in Kandal Stung, where villagers say military police are aiding Heng Akphiwath in a land grab. Officials from the Heng Akphiwath company declined to comment.
- Military police fired shots at the protesters, injuring two men who were taken to Meanchey Hospital. Eight others were also injured in the ensuing violence, including one man who was knocked unconscious. Another man was arrested on 23 January 2009, but was released on 25 January after giving \$30 to the military police.
- Chhun Sirun claimed the military officers fired in self-defense when villagers threatened them with knives and axes. He said the military police had not fired directly at villagers, but rather had fired at the ground. He claimed that the villagers were wounded by shrapnel. He called the incident "minor," and said that military police involved had received reprimands from their commanders.

27 January 2009

Kampong Chhnang

THREATS,
HARASSMENT &
INTIMIDATION

Journalist alleges officer opened fire on him⁶²

- A military police officer allegedly fired three bullets from a pistol over the head of journalist Lim Lyheang, of Khmer publication *Today News*, in Kampong Chhnang province on 3 February 2009. At the time, he was covering a story on the transportation of illegally-procured timber by train to Phnom Penh.
- His colleague Khan Sokhom filed the complaint with the provincial military police on his behalf. The complaint demanded that the officer Svay Ratha, be criminally prosecuted and demanded USD \$10,000 in damages.

⁶¹ Unpublished LICADHO Monitoring Report; See Also: VOA Khmer Stringers, "Villagers Say Military Police Halt Protest: More land dispute protests to be held also in Siem Reap, Battambang, Kampot" Original reports from Phom Phnom Penh, 19 January 2009, voanews.com

⁶² Unpublished LICADHO Monitoring Report: KN006THI09. See also, Prak Chan Thul, "Journalist Alleges Officer Opened fire on Him," *The Cambodia Daily*, 31 January - 1 February 2009;

	<p>Provincial military police criminal bureau chief Lim Hak claimed that the officer shot in the air because the train was departing without him.</p>
<p>19 February 2009</p> <p>Battambang</p> <p>LAND GRABBING</p> <p>DEATH THREAT</p> <p>DESTRUCTION OR MISAPPROPRIATION OF PROPERTY</p>	<p>Six Battambang village representatives arrested in land dispute⁶³</p> <ul style="list-style-type: none"> ▪ In 2008, soldiers, including high-ranking officers, threatened, shot at and violently evicted 157 families, including community representatives, in a land dispute at Doun Ba commune, Koas Krolar district, Battambang. This land dispute dates back to 2006, when a standoff between 157 families (who depend on logging and wood charcoal to make their living) and soldiers resulted in the forced eviction of villagers and the destruction of three houses by soldiers. ▪ In 1999 infantry deputy commander Meak Mey invited families of soldiers to settle on state land, but after he died of chronic disease in 2005 the families lost their protector. The soldiers went to Doun Ba commune chief Ten Horn to request they receive ownership recognition for the land, which was granted. The dispute began soon after. ▪ Furthermore, on 19 February 2009, six village representatives from the Dounba commune were sentenced to five years in prison after being convicted of robbery and destruction of property. They were also ordered to pay USD \$13,000 in damages to Soum Bun Thoeun, a Ministry of Defense official. However, only Hun Seng Ly, who was arrested on 22 August 2008, was detained, while the other five were convicted in absentia by Judge Nov Yarath, and a warrant was issued for their arrest. The charges stem from an incident on 22 August 2008 when the six disassembled a house and rebuilt it further away from the commune. ▪ On 23 February 2009, the 157 village families walked to the Prime Minister's house in Takhmau town to protest the prison sentences of the village representatives. ▪ Deputy Cabinet Chief Lim Leang Se allegedly met with the villagers on February 23 and 24, promising the Prime Minister's help. ▪ ADHOC prepared the men's appeal, stating that the court did not investigate fully, and that the case was changed from a civil suit to a criminal one.
<p>23 February 2009</p> <p>Phnom Penh</p> <p>LAND GRABBING</p>	<p>Community representatives given suspended prison sentences⁶⁴</p> <ul style="list-style-type: none"> ▪ On 23 February 2009, the Phnom Penh Municipal Court sentenced <i>in absentia</i> three community representatives from Toul Kork's Community B for their role in a land dispute. Chea Som Hong, May Phoak and So Chan Melea were accused of forging thumbprints on a legal document regarding a land dispute with HCD Company. The company is owned by CPP Labour Ministry Secretary of State Othsman Hassan. The representatives were sentenced to three years in prison and were each ordered to pay US \$20,000 in damages to the company.

⁶³ Chhornng Chansy, "Battambang villagers Protest land-Depute Sentences," *The Cambodia Daily*, 25 February 2009; see also: Unpublished LICADHO Monitoring Report: BB007LG08.

⁶⁴ Unpublished LICADHO Monitoring Report: PP036LG09. See also: Saing Soentherith, "Given Suspended Jail Terms," *The Cambodia Daily*, 24 February 2009.

FORCED EVICTION	<ul style="list-style-type: none">▪ HCD Company has a 70-year lease on 10 hectares of state land in Tuol Kork near the train station. The community representatives maintained that Prime Minister Hun Sen has twice granted 22 hectares of the land in question to the 282 families of Community B.▪ The supposedly forged document was a statement by Community B residents demanding HCD pay USD \$11,000 for each resident's plot of land. The defense maintained that 25 of the residents did not thumbprint the document, leaving 25 blank squares. HCD then filled in these squares with fake thumbprints upon receiving the document and blamed the community representatives.▪ In October 2009, the remaining families at Community B agreed to vacate the land after they accepted a compensation settlement of US \$15,000 per family.
13 March 2009	IDEA Secretary Chea Sokun receives death threat ⁶⁵
Banteay Meanchey	<ul style="list-style-type: none">▪ On 13 March 2009 in Poipet district, Banteay Meanchey province, Chea Sokun, secretary of IDEA (Independent Democracy of Informal Economic Association) received a death threat from Poipet's deputy customs chief in Banteay Meanchey province, Chey Rinn. Chea Sokun was threatened on his way to his office by Chey Rinn who was accompanied by ten armed officers.▪ Chea Sokun had previously witnessed the involvement of Chey Rinn and 10 officers in a hit-and-run. The men were driving and hit a motodop, who lost consciousness after impact. The men fled the scene.▪ Chea Sokun led a group complaint against Chey Rinn, who was driving the car.▪ On 27 March 2009, the victim and LICADHO investigators provided an official complaint to Banteay Meanchey clerk Suon Rothana. The court has not yet taken action.
DEATH THREAT	
22 March 2009	Siem Reap villagers missing, injured after police open fire ⁶⁶
Siem Reap	<ul style="list-style-type: none">▪ On 22 March 2009, approximately 90 armed police officials opened fire on 100 villagers in Chi Kreng district, Siem Reap province. The villagers were protesting against a court-ordered eviction. Police opened fire as they faced the villagers, some of whom were carrying machetes and wooden sticks during the protest.▪ Four men were seriously injured in the assault, including Loun Ving (shot and injured in his knee and shoulder), Loun Men (shot in both thighs), Tu Khom (hit in the face and shot in his thigh) and Ma Seng (hit in the head). Villagers indicated that the police beat Ma Seng while he was in handcuffs.▪ After the attack, 43 villagers were taken to the district police station for questioning, where officers forced them to thumbprint documents transferring their land. Thirty-four villagers were then released, but nine villagers were charged with robbery and physical assault and placed in
PHYSICAL ASSAULT	
LAND GRABBING	
THREATS, HARASSMENT &	

⁶⁵ Unpublished LICADHO Monitoring Report: BM022DT09.

⁶⁶ Unpublished LICADHO Monitoring Report: SP010PA09.

See also <http://www.licadho-cambodia.org/articles/20091127/101/index.html>.

INTIMIDATION

pretrial detention at Siem Reap provincial prison.

- The dispute, which arose in 2005, concerns 475 hectares of land and involves 175 families from Chi Kreng and 44 families from Anlong Samnor.
- On 20 October 2009, the Siem Riep Provincial Court convicted two of the nine detained villagers, Chan Norn and Chang Savoeun, of assault and robbery, sentencing the two men to one-year imprisonment each and ordering each to pay compensation of 3,000,000 riel (US \$750) to complainants Chey Sovann and Em Sothea. The seven other villagers were acquitted. During the trial, approximately 150 armed military police surrounded the courtroom preventing any of the 120 protesters from observing the proceedings.

**15 April 2009
Battambang**

ATTEMPTED KILLING**OBSTRUCTION TO
FREEDOM OF
EXPRESSION &
ASSEMBLY****Attempted murder of land dispute activist⁶⁷**

- Bum Samphors, of the Chroy Snar village in Khnach Romeas commune, Bavel district, Battambang province, was wounded by gunfire on 15 April 2009 while sleeping in a farm house with his brother-in-law, Seung Chanmony. The incident was related to a land dispute concerning the O'Voi Preng area in Chroy Snar village.
- The shot was in fact meant for Seung Chanmony, an active representative in the O'Voi Preng dispute. Seung Chanmony had received threats in the past for his involvement in protests against businessman Mun Mica and senior police officers who were harassing farmers.
- A month earlier, on 16 March 2009, Seung Chanmony filed a complaint with local authorities and requested permission for residents to temporarily access the 161 hectares of land in the O'Voi Preng area to harvest their rice. In response, Mun Mica applied to the court for land protection. On 2 April 2009, Mun Mica was granted temporary protection over 70 hectares of land that had already been planted by the protesting farmers.
- The court intervened on 9 April in response to further complaints by Mun Mica and prohibited Seung Chanmony and others from farming the land. Seung Chanmony is continuing to dispute the case, appealing the court's verdict.

**22 April 2009
Ratanakkiri**

**THREATS,
HARASSMENT &
INTIMIDATION****LAND GRABBING****ILLEGAL ARREST &****Two community representatives arrested, six sought in R'kiri dispute⁶⁸**

- Village representatives Pich Ponlok and Pring Vin, both members of the Phnong ethnic minority, were arrested at their homes in Lumphat district's Batang commune, Ratanakkiri on 22 April 2009. The arrests followed accusations of trespassing and destruction of property by local construction company DM Group. The provincial court issued arrest warrants for an additional six men.
- About 50 families from the Batang commune filed a complaint in 2005, accusing DM Group of grabbing more than 200 hectares of their land.

⁶⁷ Unpublished LICADHO Monitoring Report: BB027AK09

⁶⁸ Kuch Naraen, "Two Arrested Six Sought in R'Kiri Dispute," *The Cambodia Daily*, 28 April 2009.

DETENTION

Court officials deny the complaint was ever received. DM Group countersued, accusing the villagers of trespassing, destroying property and threatening its workers.

- The eight villagers, including the representatives, were released on 6 July 2009.
- On 25 June 2009, an estimated 500 people gathered in Batang to protest against illegal logging and land grabbing. Protestors called on the authorities to fight illegal land grabbing and deforestation, and to release three men who were arrested while protesting a land dispute in Lumphat district's Batang commune.
- Authorities previously banned similar demonstrations in May and October of 2008. In 2007, police used water cannons to break up a rally and arrested an ADHOC monitor, referring him to a provincial court. He was released later that day.

19 May 2009

Preah Sihanouk

Village representatives arrested and detained in relation to land dispute; police beat villagers protesting for their release⁶⁹

- On 19 May 2009, a Preah Sihanouk provincial court ordered the detention of Yos Saran, Kok Bunchhoeun, Soy Sokha, and Ka Sochea from Tumnon Rlok commune, Stung Hav district, for allegedly inciting and committing violence in connection to a land dispute with the Chhoem Huor company.
- On 8 April 2009, the national authorities for land dispute resolution cooperated with the provincial office, local commune authorities, and Chhoem Huor to provide 8 x 16 meter plots of land for 103 families. However negotiations failed to provide land to an additional 253 families, whose resulting protests precipitated the clearing and destruction of their land by the Chhoem Huor company.
- The company manager filed a complaint with the Preah Sihanouk Provincial Court, charging seven villagers including representatives with inciting violence. They were summoned for questioning by Investigating Judge Svay Tonh on 11 May 2009, but did not testify in court. On 19 May four more village representatives were summoned for questioning. They were accompanied to court by 50 villagers, and were detained upon arrival.
- On 20 May 2009, 100 villagers gathered outside the court to call for the release of the four men. They were beaten by military police as they tried to stop the truck carrying the accused to prison. On 4 June 2009, the LICADHO monitor in Preah Sihanouk was contacted by the Chhoem Huor company to help resolve the dispute. Chhoem Huor agreed to withdraw the complaint and release the four men on bail if the 253 families agreed to move their houses from his land without any compensation. On 9 June 2009, the four village representatives were released on bail after families agreed to move their houses from the land. Charges against the representatives have since been dropped.

LAND GRABBING

**THREATS,
HARASSMENT &
INTIMIDATION**

**ILLEGAL ARREST &
DETENTION**

⁶⁹ LICADHO Monitoring Report: SV0231AD09, Kong Sothananarith, "Four Men Held for Violence in Land Dispute," VOA Khmer, Original report from Phnom Penh, 20 May 2009; see also: <http://ki-media.blogspot.com/2009/05/four-men-held-for-violence-in-land.html>

20 May 2009

Kampong Speu

OBSTRUCTION TO
FREEDOM OF
EXPRESSION &
ASSEMBLY

PHYSICAL ASSAULT

300 garment workers protest detention of representatives⁷⁰

- On 21 May 2009, 300 garment factory workers from a Sangwoo factory in Trapeang Kong commune, Samraong Tong district, Kampong Speu, gathered for a non-violent demonstration. They demanded that the factory respect labor laws and drop charges against three representatives, who were accused of destroying property on 13 April 2009.
- The workers were obstructed by 700 provincial police officers led by officer Ek Sam Oun. The police officers were equipped with guns, shields, electric batons and police dogs, and fired shots into the air ten times, injuring six workers.
- The provincial governor invited both worker and factory representatives for negotiations. The company withdrew its complaints against the factory representatives, and the workers returned to their jobs later that day.

26 May 2009

Phnom Penh

OBSTRUCTION TO
FREEDOM OF
EXPRESSION &
ASSEMBLY**Government files suit against Khmer Civilisation Foundation president⁷¹**

- On 2 June 2009, Khmer Civilisation Foundation president Moeung Son was charged with disinformation and incitement after he criticised the Apsara Authority during a press conference on 26 May 2009. Moeung publicly raised concerns over the authorities' plan to illuminate the Angkor Wat temples at night, citing possible damage to the temples.
- Five days after the charges were filed, Moeung fled to France.
- On 14 July, Judge Chhay Kong found Moeung guilty of incitement and publishing false information, sentenced him to two years in prison, fined him seven million riel (USD \$1,750), and ordered him to pay eight million riel (USD \$2,000) in damages to the Apsara Authority.
- On 24 November 2009, Moeung sought to formally apologize to the government, but the court decided to uphold the conviction.
- Moeung Son is living in exile and is wanted for immediate arrest.

30 May 2009

Kampong Chhnang

LAND GRABBING

ILLEGAL ARREST &
DETENTION**Kampong Chhnang land grabbing case results in arrest and land confiscation⁷²**

- On 30 May 2009, the Heng Arphiwat company confiscated land belonging to six families in the Thlok Russey village, Sethy commune, Samakimeanchey district, Kampong Chhnang province. Heng Arphiwat company representative Em Soeuphun claimed the company bought land titles from local authorities in 1997.
- Village representative Ork Sokyoeun maintained villagers have lived on the land since 1984, when they returned home after the fall of the Khmer Rouge regime. They cleared the forest for farming and planting.
- The Heng Arphiwat company accomplices in the village – Sethy commune chief Chhoeum Samith, soldier Chhay Samet, cadastre En

⁷⁰ Unpublished LICADHO Monitoring Report: KS0200FEA09.

⁷¹ Unpublished LICADHO Monitoring Report: PP0800FEA09.

⁷² Unpublished LICADHO Monitoring Report: KN028LG2009.

Sophorn and commune police chief Bou Khel – apparently bought land 40 hectares south of the road and four hectares north from ten families in 1996-1997, but not all of the villagers were willing to sell.

- On 23 April 2005 the company filed a complaint with the Kampong Chhnang court against community representative Ork Sokyoeun. Provincial judge En Sarun detained Ork Sokyoeun after summoning him for questioning under a warrant dated 17 June 2005. After appeals by his lawyer, Ork Sokyoeun was released on bail on 24 June 2009.
- On 30 May 2009 three bulldozers began clearing the land of four of the families. Landowners who tried to stop the activity were told the land now belongs to the Heng Arphiwat company.

3 June 2009

Phnom Penh

OBSTRUCTION TO
FREEDOM OF
EXPRESSION &
ASSEMBLY

Newspaper editor and editor-in-chief sued for defamation⁷³

- In April 2009, *Meato Phoum Newspaper* published an article that accused Battalion 204 Commander Meas Sopheap of being involved in illegal timber transportation in Veal Vong commune, 7 Makara district, Phnom Penh.
- On 3 June, Meas filed a suit against *Meato Phoum* editor Sonn Sopheap and editor-in-chief Chea Chan Brakord for defamation, demanding 80 million riel (USD \$20,000) in compensation.
- The case is still pending.

6 June 2009

Takeo

OBSTRUCTION TO
FREEDOM OF
EXPRESSION &
ASSEMBLY

Community representative and two journalists detained⁷⁴

- Two Radio Free Asia journalists, Sok Serey and Tin Zakariya, and CCHR human rights activists Cheab Cheav, were summoned to court for interrogation over a complaint by local Muslim leader Ry Math after Math was accused of corruption by the community in Kampong Youl commune, Kouk Pou commune, Bourei Cholsar district, Takeo.
- Community representatives Ny San, 57, and Sib Sen, 61, were the first of six people to be questioned by the court. Ny San was sentenced to five months imprisonment and ordered to pay 1 million riel compensation, while Sib Sen was released.
- In 2007, a petition thumb-printed by 206 families from Kampong Yol village demanded an election to find new local Islamic leaders after they accused the current leader, Ry Math, of mismanaging 10 million riel (USD \$2,500) worth of donated mosque funds.
- In 2008, Ny San and Sib Sen had given interviews on RFA on the subject after local authorities failed to conduct elections to resolve the ongoing dispute. Because of the interviews, mosque leader Ry Math lodged a complaint with the provincial court on 1 November 2008.
- The complaint accused the two men together with two RFA journalists, Sok Serey and Tin Zakariya, and the two CCHR activists who were involved in the radio interviews, of disinformation. Disinformation under the UNTAC criminal code (article 62) carries a prison term of 6 months to 3 years and a fine of 1 million (USD \$250) to 10 million riel

⁷³ Unpublished LICADHO Monitoring Report: PP0810FEA09.

⁷⁴ Unpublished LICADHO Monitoring Report: PP0850FEA09.

(USD \$2,500).

- On 7 October 2009, Kampong Yol village representatives met with the mosque leaders to negotiate a settlement. However, the villagers refused to apologize for their actions, in exchange for the mosque leaders withdrawing the complaint. This apology-for-release deal was reportedly proposed by the provincial military police commander La Lai, himself an ethnic Cham who has taken an interest in the ongoing dispute and sided with the allegedly corrupt mosque leader.

25 June 2009

Union representative tried for defamation⁷⁵

Prey Veng

- On 17 June 2009, Prey Veng school teacher and CITA district coordinator Chin Rithy was accused of defamation by school principal Yoeun Sovuthy after the teacher filed an official complaint alleging that Yoeun Sovuthy sold part of the high school grounds (21 meters x 6 meters) to a private person who owns land adjacent to the high school.
- Chin Rithy tried to oppose the sale and wrote a letter to the provincial education department on 18 May 2009, claiming that the principal built a fence around part of the school's land in order to incorporate it into his own adjacent property. On 17 June, Mr Sovuthy filed a complaint to the provincial court accusing Mr Rithy of defamation.
- On 25 June, the provincial court interviewed Rithy about the complaint. Rithy assumed the case was dormant until he learned the court had set a trial date. The prosecutor sent the case directly to the hearing judge, skipping the investigative process. Unfortunately, this is permitted in the new criminal code.
- The trial was due to be held on 17 August 2009 but was delayed. Rithy, who requested the delay so his lawyer could be better prepared for the case, said he felt the charges against him were unjust and that he had been careful to gather evidence before making any accusations.
- He pointed out that 200 villagers had given their thumbprints in support of his complaint. Sovuthy accused Rithy of filing a false complaint and claimed that he built the fence in order to protect the school's land from land grabbing villagers.
- CITA President Rong Chhun defended Rithy, saying that he had acted for the public good and had ample evidence for his complaint.
- On 11 November 2009 the Prey Veng provincial court found Rithy guilty of defaming Yoeun Sovuthy. The court fined him 5 million riel (USD \$1,250) and ordered him to pay an additional 5 million riel in compensation to Yoeun Sovuthy.
- On 25 November 2009, Chin Rithy lodged an appeal against the court decision.

26 June 2009

Machas Srok newspaper editor-in-chief jailed for defamatory articles⁷⁶

Phnom Penh

- On 26 June 2009, opposition-affiliated Khmer Machach Srok newspaper director Hang Chakra was convicted in absentia of disinformation,

⁷⁵ Cheng Sokhorn, "Prey Veng provincial Court to grant delay in School Hearing," *The Cambodia Daily*, 11 August 2009; Unpublished LICADHO Monitoring Report: PP097SC09.

⁷⁶ Unpublished LICADHO Monitoring Report: PP0790FEA09; see also: Southeast Asian Press Alliance (SEAPA), "Tried in absentia, Cambodian journalist immediately arrested, sent to prison," 28 June 2009; see also: <http://ki-media.blogspot.com/2009/06/tried-in-absentia-cambodian-journalist.html>

**OBSTRUCTION TO
FREEDOM OF
EXPRESSION &
ASSEMBLY**

sentenced to one year in prison, and fined 9 million riel (USD \$2,250). Hours later he was arrested in Battambang province and taken to Prey Sar prison.

- Hang Chakra was originally summoned to the Phnom Penh Municipal Court on 3 June to answer questions regarding controversial articles published in his newspaper. He refused to identify sources inside the Council of Ministers.
- His questioning came after the government filed a complaint regarding articles published in April and May 2009 about the alleged demotion and firing of corrupt officials by Sok An, Senior Deputy Prime Minister and head of the Council of Ministers. The government claimed that the articles could affect political stability in the country.
- On 11 August 2009, the Appeal Court upheld the conviction of Hang Chakra confirming the 1 year prison sentence and 9 million riel fine.
- Hang Chakra was pardoned by King Sihamoni on 13 April 2010, before the Khmer New Year.

8 July 2009

Phnom Penh

**OBSTRUCTION TO
FREEDOM OF
EXPRESSION &
ASSEMBLY**

Government denies rights forum for Boeng Kak residents⁷⁷

- The Phnom Penh Municipal Authority denied local rights groups permission to host a forum for residents living around Boeng Kak lake, claiming the meeting could create instability in the city.
- The forum on "Human Rights and Development" was originally scheduled to be held on 12 June 2009 at a guest house on the lake, but the organizers of the forum, CCHR, were told they needed permission from city hall.
- Authorities later closed down the guesthouse because its license had expired.
- On 19 June, CCHR sent an official letter to Phnom Penh Governor Kep Chuktema asking for permission to host a forum together with five local NGOs including LICADHO, CLEC, ADHOC and Samakum Teang Tnaut.
- On 8 July, CCHR's request was denied. The rights groups claim that the authorities used security reasons as an excuse to prevent people from discussing their rights when threatened by eviction.

15 July 2009

Phnom Penh

**OBSTRUCTION TO
FREEDOM OF
EXPRESSION &
ASSEMBLY**

Police block CCU members' Preah Vihear protest ⁷⁸

- Police blocked members of the Cambodian Confederation of Unions from protesting in Phnom Penh on 15 July 2009, in what would have been an unauthorized rally to mark the one-year anniversary of the confrontation with Thailand near Preah Vihear temple.
- Police roadblocks encircling the former National Assembly building prevented about 50 people from carrying out the rally.
- On 13 July CCU wrote to City Hall stating that more than 150 participants would gather at 8:00 a.m. in front of the former National Assembly.

⁷⁷ Kuch Naren, "Gov't Denies Rights Forum for Boeng Kak Residents," *The Cambodia Daily*, 7 July 2009.

⁷⁸ Yun Samean, "Police Block CCU Members' Preah Vihear," *The Cambodia Daily*, 16 July 2009.

<p>24 July 2009</p> <p>Poipet and Banteay Meanchey</p> <p>OBSTRUCTION TO FREEDOM OF EXPRESSION & ASSEMBLY</p> <p>FORCED EVICTION</p>	<ul style="list-style-type: none"> ▪ The Ministry of Interior spokesman said the group was not granted permission to host the demonstration since it would not expedite any resolution in the standoff. <p>30 protesters & observers arbitrarily arrested in Poipet eviction standoff ⁷⁹</p> <ul style="list-style-type: none"> ▪ Thirty protesters, including NGO staff, were arrested on 24 July 2009 when police and military police converged on a disputed property in Poipet to carry out a court ordered eviction. Residents surrounded the site with burning tires and threw gasoline containers and cans at the 80 police and military who were attempting to remove six families from a group of apartment buildings. ▪ The disputed land was bought by Oun Sok and Pon Ra, who had lived on it since 1999. In 2001, Heng Meng Ly, Theng Chanthan, and businessman Touch Sovan Phally sued the couple, accusing them of stealing land. On 20 November 2008, the Supreme Court granted ownership to Touch Sovan Phally and issued a final eviction notice on 3 June 2009. ▪ Twenty-five of the protestors were charged with attempted murder, attempted destruction of property, and incitement to commit a crime, while five observers including Independent Democracy and Informal Economy Association (IDEA) Banteay Meanchey director Mong Puthik, his two colleagues Uk Vanna and Sem Thean, who were monitoring the eviction, and SRP commune council member Kong Rithy, were charged with causing a fire, defamation, and incitement to commit a crime. ▪ On 30 July 2009, LICADHO and other human rights NGOs submitted letters to the Banteay Meanchey Court calling for their release. In response, 28 of them were released on bail, though observers Mong Puthik of IDEA and Kong Rithy remained in detention. ▪ On 14 August, the Banteay Meanchey Court granted Mong Puthik and Kong Rithy release on bail at an open hearing. No date has been set for the trial. Furthermore the provincial court judge has not stated to whom the disputed land has been awarded. Kong Rithy and Puthik are still under surveillance.
<p>29 July 2009</p> <p>Pursat</p> <p>THREATS, HARASSMENT & INTIMIDATION</p>	<p>Environment activists threatened by Krakor authorities ⁸⁰</p> <ul style="list-style-type: none"> ▪ Two forestry activists in Krakor district were threatened by local authorities for asking the government to prevent forestry, logging and the general destruction of natural resources by a private company. An environmental activist from Khlang Moeung village, Anlong Tnout commune, Krakor district, Pursat, who wished to remain anonymous, said he collected thumbprints of 50,000 villagers from five villages from 22-27 July 2009, but his documents were confiscated by the village chief and the commune chief. The activist was then forced to thumbprint and sign a letter promising to stop his actions.

⁷⁹ Unpublished LICADHO Monitoring Report: BM060SC09; Kuch Naren, "Several Arrested in Poipet Eviction Standoff," *The Cambodia Daily*, 25-26 July, 2009. See also <http://www.licadho-cambodia.org/articles/20090824/97/index.html>

⁸⁰ Sie Ha, "Environment Activists was warning by Krakor Authorities," *Khmer Mochas Srok*, 29 July 2009.

- Anlong Tnuot commune chief Touch No forbade the two activists from collecting thumbprints as they were not acting from higher authorities.
- The villagers in 12 communes in Krakor district, Pursat province depend on the forest to live – picking fruit and harvesting resin. The Pheapimex company has a 99-year contract with the government on the 315,028 hectares for logging and land clearing.
- Prime Minister Hun Sen publicly warned Minister of the Environment Mok Maret that Pheapimex Group Co Ltd has previously destroyed forest in Kratie province, and allegedly bribed the village and commune chiefs. No further action has been taken.

4 August 2009

Phnom Penh

**OBSTRUCTION TO
FREEDOM OF
EXPRESSION &
ASSEMBLY**

Police break up post-trial SRP protest march ⁸¹

- On 4 August 2009, a large deployment of police forcibly broke up a march through the capital led by Sam Rainsy Party (SRP) lawmaker Mu Sochua and her supporters, leaving several party activists injured.
- The march began when about 40 SRP members and supporters gathered outside the Phnom Penh Municipal Court where Mu Sochua tried to speak with media after she was found guilty of defaming Prime Minister Hun Sen and ordered to pay 16.5 million riel (USD \$4,025) in fines and compensation. Officers pushed away journalists and attempted to disperse the people. Her supporters, including SRP President Sam Rainsy, were blocked by riot police several times as they attempted to march from Phsar Olympic. Police attempted to grab participants, and directed traffic into intersections containing marchers.
- Supporters later expressed their dismay at the intimidation and violence that they, as well as journalists and independent observers, had encountered with police. The government responded that the marchers had failed to inform authorities of their actions, creating an illegal situation.
- Other activists were injured, including Ho Seirin, who was placed in a chokehold and fainted as he tried to protect Mu Sochua. Another man was repeatedly punched until he was unable to walk. Police also detained two men for reportedly disrupting public order and fighting with officers. The men – Ly Mean and Seng Hokchhe – were released less than two hours later without charge.
- Phnom Penh municipal police chief Touch Naruth said law enforcement officials were merely preserving public order and protecting themselves from unruly individuals.

11 August 2009

Battambang

Village representative arrested, forced to cease activity in land dispute in exchange for release⁸²

- Five village representatives – You Sos Maly, Khan Somang, Somnang Rith, Chheng Chaom, and Rin Rith – were accused of destroying private property in relation to an ongoing land dispute between 37 families and Chinese businessman and Phnom Penh resident Chheam Chin Khun.

⁸¹ Yun Samean, "Police Break Up Post-Trial SRP Protest March," *The Cambodia Daily*, 5 August 2009.

⁸² Unpublished LICADHO Monitoring Report: BB050LG09.

**THREATS,
HARASSMENT &
INTIMIDATION**

The dispute concerns 75 hectares of land in Ou Khmom village, Sdao commune, Samlot district, Battambang province.

- In 2005, local authorities agreed to divide the disputed land, which at the time was unused jungle, between 19 members of the Rattanak Mondol district staff. Upon receipt of the land, the new owners immediately sold it to Cheam Chin Khun for \$100 per hectare. As the land fell into disuse after two years, villagers began moving onto it, clearing it to farm and build houses, without interference from authorities. Ou Khmom village chief Chhuon Rin Deth had 17 hectares of land near the disputed area.
- In 2008 Chheam Chin Khun and local authorities attempted to expel villagers from the land, but despite threats they refused to leave. Chheam Chin Khun filed a complaint with the provincial court against five village representatives, but all five refused the summons.
- On 11 August 2009, village representative You Sos Maly was arrested on charges of failure to appear at court and trespass on private property. He was detained in provincial police custody overnight. The next morning, he was questioned at the provincial court. In exchange for his release, he was forced to thumbprint a document authorizing the return of the land to Chheam Chin Khun. He also agreed to cease any further activity regarding the disputed land, and was restricted from changing residences, or from entering the disputed land.
- Provincial judge Pak Lay Yi issued an order temporarily allowing Chheam Chin Khun to prevent the five village representatives from accessing the disputed land.

20 August 2009

Phnom Penh

**OBSTRUCTION TO
FREEDOM OF
EXPRESSION &
ASSEMBLY**

Union leader Chea Mony accused of defamation, faces new lawsuit⁸³

- A senior government official declared on 20 August 2009 that the government intended to file a lawsuit against Chea Mony, president of the Free Trade Union (FTU), who on 17 August 2009 reiterated in open court his long-standing belief that the government was involved in the 2004 assassination of his brother, FTU President Chea Vichea.
- On 19 August 2009, Lieutenant General Khieu Sopheak, spokesman for Interior Ministry, accused Chea Mony of defamation against the government.
- On 30 August 2009, the government spokesman and Information Minister Khieu Kanharith announced that the government had put aside plans to seek legal action against Chea Mony.

27 August 2009

Phnom Penh

Woman jailed for allegedly forging land petition⁸⁴

- On 27 August 2009, the Phnom Penh Municipal Court sentenced Toch Ly, a village chief from Kampong Chhnang, to 16 months imprisonment, issued a 1 million riel fine (USD \$250), and ordered her to pay 5 million riel (USD \$1,250) in compensation to KDC International after she was found guilty of forging thumbprints in an ongoing land dispute.

⁸³ Tim Sturrock and Phorn Bopha, "Union Leader Chea Mony Faces New Lawsuit," *The Cambodia Daily*, 21 August 2009.

⁸⁴ Prak Chan Thul, "Women Jailed For Forging Land Petition," *The Cambodia Daily*, 5-6 September 2009. Unpublished LICADHO Monitoring Report PP101SC09. See also <http://www.licadho-cambodia.org/articles/20090929/99/index.html>

LAND GRABBING

- The allegedly forged document was thumbprinted by 77 families who denied they had sold their land to KDC International, a company owned by Chea Kheng, wife of the Minister of Industry, Mines and Energy Suy Sem. Despite testimony from community members supporting the authenticity of the document, the court ruled that some thumbprints were forged by relatives.
- 108 villagers in Lor Pean village, Ta Ches commune, Kampong Chhnang province have lived on the land since 1982. KDC International claims to have purchased the land in 1996 from Ta Ches commune council member Thai Hy. Thirty-one families agreed to sell their land but 77 families refused. In 2007, KDC International ordered the villagers to cease farming the land.
- On 28 May 2008, the National Authority of Land Dispute Resolution (NALDR) led by Pal Chandara, conducted a meeting with the provincial deputy governor, the district governor, the head of the cadastral commission and Toch Ly, who represented the 77 families, to reach a resolution. Pal Chandara recommended Toch Ly make a list of villagers who claimed to have not sold their land. Toch Ly collected thumbprints from the 77 families and submitted them to the provincial authorities on July 30, 2008.
- On 29 October 2008, Chea Kheng filed a complaint accusing Toch Ly of forging the thumbprints. On 16 March 2009, Chea Kheng filed a second complaint to the Ministry of Justice and Mok Chito, head of the Ministry of Interior's criminal police division, asking that the complaint be heard in the Phnom Penh Municipal Court and not Kampong Chhnang's Provincial Court, where villagers would be able to attend the trial. On September 23, 2009, Toch Ly appealed the 27 August conviction. No hearing date was set.
- In August 2009, Un Sophy, another Lor Peang community representative, was summoned to appear before the Phnom Penh Municipal Court to answer allegations that she incited the 77 families to continue farming on the disputed land. Un Sophy did not attend the 23 September 2009 court date for fear that she might be arrested and jailed.
- On 4 September 2009, the Phnom Penh court dropped the charge of perjury against Un Sophy, but sentenced Toch Ly to 16 months imprisonment for forgery, fined her 1 million riels, and ordered her to pay 5 million to the KDC company as compensation.

7 October 2009

Sam Rainsy Party member arrested for incitement⁸⁵

Banteay Meanchey

- On 7 October 2009, Poipet district council SRP member Ly Srey Munin was arrested by five armed provincial police officers following a meeting held by Poipet district council director Sok Khoeun on the groundless charge of incitement and arson while enforcing a civil verdict in July 2009 in Poipet commune, Poipet district, Banteay Meanchey.

OTHER

- He was taken to the provincial court for questioning on the instruction of Investigating Judge Ang Maltey and released on bail three hours

⁸⁵ Unpublished LICADHO Monitoring Report: BM082SC09.

	<p>later. Poipet district council SRP member Keo Samphos immediately filed an intervention form to the provincial LICADHO office.</p> <ul style="list-style-type: none"> ▪ Ly Srey Munin is a popular SRP activist who promotes election rights and awareness. He works to educate villagers on civil law and helped them to challenge land grabbing. On 23 July 2009, they won a Supreme Court verdict on a land title dispute dating back to 1992. ▪ The illegal grounds for the case were acknowledged by provincial council director Pok Saluy on behalf of the director.
<p>13 November 2009</p> <p>Kampot</p> <p>DESTRUCTION & ILLEGAL APPROPRIATION OF PROPERTY</p> <p>LAND GRABBING</p>	<p>Villagers accused of incitement in Kampot to be questioned⁸⁶</p> <ul style="list-style-type: none"> ▪ Six villagers in Chhuk district's Trapaing Phlaing commune, Kampot province, were charged with incitement after businessman So Nguon claimed the government granted him a 9,800-hectare land concession, which the villagers disputed. ▪ Representatives of the 280 families living there filed a complaint with commune officials on 6 November, stating that So Nguon had encroached on their land. ▪ The villagers alleged that the firm's guards had destroyed some of their banana and rice crops in May, and refused to end the protest insisting that at least 1,000 hectares of land had been stolen.
<p>8 December 2009</p> <p>Siem Reap</p> <p>ILLEGAL ARREST & DETENTION</p> <p>PHYSICAL ASSAULT</p>	<p>Charges dropped against five Chi Kreng land dispute villagers⁸⁷</p> <ul style="list-style-type: none"> ▪ On 7 December 2009, the Siem Reap Provincial Court dropped charges against five village representatives arrested and jailed in November 2008 in relation to a violent land dispute in Chi Kreng district. Cheng Savoeyun, Sin Leap, Chan Leap, Khlin Ien and Sinh Samley were accused by landowner representatives Sun Sam Ol and Tann Bouki, of illegally imprisoning them at a rice field. ▪ The defendants are part of a 200-family group in Chi Kreng commune who claim the authorities illegally planned to sell 475 hectares of land that villagers have farmed since 1981. ▪ Judge Ly Sok Leng dropped the charges due to a lack of evidence, after three of the men had been imprisoned for over a year. ▪ The land dispute escalated into a violent confrontation in March when police opened fire on a group of protesting farmers, injuring four. Forty-two farmers were blocked from visiting their rice fields by 50 machete-wielding guards. One villager was badly beaten. ▪ Siem Reap provincial governor Sou Phirin said the Chi Kreng villagers had previously failed to appear at negotiations with a mixed committee on land disputes.
<p>17 December 2009</p> <p>Ratanakkiri</p>	<p>Villagers in Ratanakkiri claim intimidation by commune chief⁸⁸</p> <ul style="list-style-type: none"> ▪ Local representatives of ethnic minority villagers in Ratanakkiri province, who are engaged in a long-standing legal battle with Finance

⁸⁶ Kuch Haren, "Villagers Accused of Incitement In Kampot To Be Questioned," *The Cambodia Daily*, 13 November 2009.

⁸⁷ Saing Soenthrith, "Charges Dropped Against Five Chi Kreng Land Dispute Villagers," *The Cambodia Daily*, 8 December 2009.

⁸⁸ Kuch Haren, "Villagers in Ratanakiri Claim Intimidation by Commune Chief," *The Cambodia Daily*, 17 December 2009.

**THREATS,
HARASSMENT &
INTIMIDATION**

Minister Keat Chhon's sister Keat Kolney, claimed a commune chief threatened their safety if they continued to meet unannounced with residents to discuss the land issue.

- Village representative Sev Khem and others were told by district commune chief Sev Nhang at a meeting between villagers, local authorities and police that they could not meet with or engage village residents unless he was informed in advance, and that if they continued traveling unexpectedly to the village, their safety was not guaranteed.
- Sev Nhang denied any intimidation. He said he advised representatives to compromise, and would send police to protect any human rights workers or lawyers who contacted him first.
- Community Legal Education Center project officer Man Vuthy, said Sev Nhang's comments "prove the authority appears to intentionally attempt to cause problems toward human rights workers and defense lawyers who enter the village under his jurisdiction". Mr Vuthy said his organization planned to meet with villagers again at the end of the month and that no authorization was needed for him to meet his clients.
- The Jarai villagers in Kong Yu claim that Keat Kolney duped them out of 450 hectares of land in 2004 to build a rubber plantation in the district. In the intervening years both sides have traded lawsuits and floated out-of-court proposals to settle the long-running quarrel.

ANNEX 3: List of Human Rights Defenders Detained in Cambodian Prisons

No	Name (Last, First)	Sex	Age	Date of Arrest & Date of Detention (D)	Charge(s)	Length of Sentence	Name of Prison	Location of Case			
								Village	Commune	District	Province
1	Mes Pheak	M	23	22/03/2009 23/03/2009 (D)	Robbery and Physical Assault (Article 6 of Law on Aggravating Circumstance of Felony and Article 41 of UNTAC Law)	Chan No and Chheng Savoeun sentenced to 1 year in prison & 3 million riel compensation for physical assault. All remain in prison due to additional pending charges. Illegal confinement charges against Chheng Savoeun dropped on December 7, 2009.	Siem Reap	N/A	Anglong Samnor	Chikreang	Siem Reap
2	Nheam Paot	M	27								
3	Vann Chan	M	29								
4	Mar Sek	M	28								
5	Chea Khom	M	40								
6	Min Soy	M	21								
7	Ouch Ki	M	30								
8	Chan No	M	23								
9	Chheng Savoeun	M	30								
10	Chan Leap	M	40	June 28, 2009	Charges from June 28, 2009 arrest: Illegal confinement (Article 35 UNTAC Law) Charges from Dec 26, 2008 arrest: 1). Use of violence against legal proprietor of real property (article 23 of land law); 2).	Previously released on bail for Dec 26, 2008 charges. Charges from June 28, 2009 dropped by court on Dec 7, 2009. Awaiting release.	Siem Reap	N/A	Anglong Samnor	Chikreang	Siem Reap

11	Sin Leap	M	58		Trespassing on private property (no article for this action in Cambodian law); 3). Incitement leading to the Commission of a Felony (article 59 of UNTAC Law); 4). Incitement not Leading to the Commission of a Felony or Misdemeanor (article 60 UNTAC Law).						
12	Vich Vi	M	45	September 4, 2009	Damaging to private property (article 52 of UNTAC Law)	Pretrial	Siem Reap	Skaun	Thbeng	Bantey Srey	Siem Reap
13	Long Sarith	M	43	October 7, 2009	Illegal felling of trees, clearing of forest and occupation of forest land (article 97 of forestry Law)	Pretrial	Siem Reap	O'Bat Moan	Sang Khat Konkreal	Samrong	Oddar Meanchey
14	Long Chankiri	M	33	October 5, 2009							
15	Ma Ouk Choern	M	45	October 8, 2009							
16	Sun Korb	M	37	February 4, 2008	Illegal clearing of forest to occupy forest land (article 97 of Forestry Law).	6 years	Siem Reap	Rum Chek	N/A (?)	Anlung Veng	Oddar Meanchey
17	Sok Saratt	M	36	April 22, 2008	Attempted murder(article of 31 UNTAC Law)	Acquitted, but prosecutor has appealed	Siem Reap	Chong Kao Sou	Slor Kram	Siem Reap	Siem Reap
18	Vann Saroeun	M	56	July 20, 2009	Robbery and murder (article 6 of Law on Aggravating circumstance of felony)	Pretrial	BMC	Raksmev Sannak	Nimith	Poi Pet	BMC
19	Kloeng Da	M	45								

ATTACKS & THREATS AGAINST HUMAN RIGHTS DEFENDER IN CAMBODIA 2008-2009 [67]

20	Chea Hap	M	44	April 23, 2009	Robbery and murder (article 6 of Law on Aggravating circumstance of felony)	Pretrial	BMC	Raksmey Sammaky	Nimith	Poi Pet	BMC
21	Tith Theung	M	40								
22	Mao Chim	M	40								
23	Hun Sar	M	25								
24	Lek Sophorn	M	39	August 3, 2009	Robbery and murder (article 6 of Law on Aggravating circumstance of felony)	Pretrial	BMC	Raksmey Sammaky	Nimith	Poi Pet	BMC
25	Chath Piseth	M	19	August 12, 2009							
26	Ny Sann	M	57	September 30, 2009	Disinformation and damage to private property (article 62 and article 52 of UNTAC Law)	Pretrial	Takeo	Kampong Yol	Kokpo	Borey Chulsa	Takeo
27	Yim Sari	M	47	July 16, 2009	Illegal clearing of forest and occupation of forest land (article 97 of Forest Law).	Pretrial	Kampot	Kilo 12	Kork Toch	Toek Chhou	Kampot
28	Sor Kunthea	F	48	6/06/2009 & 8/06/2009 (D)	Violation of state property and illegal clearing of forest land (article 259 of Land Law and article 97 of Forest Law)	Sor Kunthea: 8 years Ream Chanthy: 8 years Soy Samheng: 6 years Ouk Bun: 6 years Yo Bun Nary: 6 years	Kampot	Dam Rei Phong	Thmey	Toek Chhou	Kampot
29	Ream Chanthy	M	40								
30	Soy Sam Heng	M	42								
31	Ouk Bun	M	42								
32	Yo Bun Nary	M	46	7/06/2006 & 8/06/2009 (D)							
33	San Ri	M	42	17/08/2008 & 18/08/2009 (D)	Destruction of private property (article 52 of UNTAC Law).	18 months	Kg. Cham	Trapeng Russey	Rokapobram	Tbong Khmum	Kampong Cham

[68] A LICADHO Briefing Paper

34	Hun Seng Ly	M	42	August 22, 2008	Robbery and destruction of private property (article 6 of law on aggravating circumstance of felony and article 52 of UNTAC Law).	5 years	BTB	Ang long Kantuot	Donba	Kok Krolor	BTB
35	Sor Song	M	50	23/11/2007 & 24/11/2007 (D)	Attempted murder and infringement against private ownership (article 32 UNTAC law and article 248 of land law).	10 years for attempted murder; 18 months for infringement of land	Kg. Chhnang	Lor Peang	Tacheh	Kg. Tralach	Kg. Chhnang
36	Touch Ly	F	47	April 27, 2009	Forgery and use of forged document (article 50 of UNTAC Law).	16 months in prison, plus 5 million riel compensation to company and 1 million riel to state.	CC2	La Peang	Tacheh	Kg. Tralach	Kg. Chhnang
37	Chhoeurn Chheng	M	35	November 15, 2007	Illegal clearing of forest to occupy state land (article 97 of forest law)	Each defendant sentenced to 5 years in prison, with the final 2.5 years suspended	CC1	Sra em	N/A	Koltuot	Preah Vihear
38	Nouv Tith	M	25								
39	Som Sopheak	M	31								
40	Hang Chakra	M	55	June 26, 2009	Disinformation (article 62 of UNTAC Law)	1 year, plus 9 million riel compensation	CC1	N/A (?)	Sangkat Boeung	Kang Korg	Phnom Penh
41	Heng Han	M	61	17/11/2009 & 21/11/2009 (D)	Illegal clearing of forest to occupy state land (article 97 of forest law)	Pretrial	Kg. Thom	Thmor Samleang	Kraya	Suntuk	Kg. Thom
42	Soun Sophorn	M	45								
43	Beng Kep	M	43								
44	Sear Theub	M	25								
45	Sok Yoeung	M	38	18/11/2009 & 21/11/2009							

ATTACKS & THREATS AGAINST HUMAN RIGHTS DEFENDER IN CAMBODIA 2008-2009 [69]

46	Khoun SamOeun	M	37	(D)							
47	Sim Chhourk	M	53								
48	Kong Sao	M	46	27/03/2008 & 28/03/2008 (D)	Illegal clearing of forest to occupy state land (article 97 of forest law)	5 years	Kg. Thom	Thmor Samleang	Kraya	Suntutuk	Kg. Thom
49	Khat Sam Nang	M	42	November 29, 2009 & December 1, 2009 (D)	Destruction of private property (article 52 of UNTAC Law).	Pretrial	BTB	Okhmom	Sdao	Rattanak mondul	BTB
50	Hoy Maiy	F	46	November 28, 2009	Illegal clearing of forest to occupy forest land (article 97 of Forestry Law).	Pretrial	Siem Reap	Bos village	Konkreal	Samrong	Oddar Meanchey
51	Sao Bunleang	M	44	3/13/2009 & 3/14/2009 (D)	Illegal clearing of forest to occupy forest land (article 97 of Forestry Law).		Siem Reap	Kasesep Provong	Bansayrak	Samrong	Oddar Meanchey
52	Prom Poeun	M	67	October 7, 2009	Illegal clearing of forest to occupy forest land (article 97 of Forestry Law).		Siem Reap	Kasesep Provong	Bansayrak	Samrong	Oddar Meanchey

Name of Prison	Number of HRD Detainees
Siem Reap	20
Bantey Meanchey	8
Kampot	6
CC1	4
Battambang	2
Kampong Cham	1
Takeo	1
Kampong Chhnang	1
Kampong Thom	8
CC2	1
Total:	52

