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LICADHO

CAMBODIAN LEAGUE FOR THE
PROMOTION AND DEFENSE OF
HUMAN RIGHTS



ATTACKS & THREATS

AGAINST HUMAN RIGHTS DEFENDERS IN CAMBODIA
2010 – 2012

A report issued in
December 2012



Attacks & Threats

Against Human Rights Defenders in Cambodia

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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.

MONITORING & PROTECTION



Monitoring of State Violations and Women's and Children's Rights:

Monitors 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.

Medical Assistance & Social Work:

A medical team provides assistance to prisoners and prison officials in 14 prisons, victims of human rights violations and families in resettlement sites. Social workers conduct needs assessments of victims and their families and provide short-term material and food.

Prison Monitoring:

Researchers monitor 18 prisons to assess prison conditions and ensure that pre-trial detainees have access to legal representation.

Paralegal and Legal Representation:

Victims are provided legal advice by a paralegal team and, in key cases, legal representation by human rights lawyers.

PROMOTION & ADVOCACY

Supporting unions and grassroots groups and networks:

Assistance to unions, grassroots groups and affected communities to provide protection and legal services, and to enhance their capacity to campaign and advocate for human rights.

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) or used for other advocacy.

For More Information Contact:

Dr. Pung Chhiv Kek, President
LICADHO
#16, Street 99
Phnom Penh, Cambodia
Tel: (855) 23 72 71 02/216 602
Fax: (855) 23 727 102/217 626

E-mail: contact@licadho-cambodia.org

Web: www.licadho-cambodia.org Facebook: www.facebook.com/licadho Twitter: www.twitter.com/licadho

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COVER: A man demonstrates in Phnom Penh, calling for the release of the Boeung Kak 13 land activists on June 27, 2012.

Photo/LICADHO

Executive Summary

The climate for human rights defenders (HRDs) in Cambodia has soured dramatically since LICADHO's last HRD report in 2009, creating the country's worst human rights environment in more than a decade. Violence against activists is on the rise, key HRDs have been killed with impunity, and the courts have lost even the faintest semblance of impartiality.

The year 2012 has been particularly bad.

Independent radio station owner Mam Sonando received a 20-year prison sentence in October in a blatantly political case. Numerous high-profile NGO staff have been harassed by the courts. A municipal governor brazenly opened fire on striking garment workers, seriously injuring three and thus far escaping arrest. Thirteen representatives from the embattled Boeung Kak community were convicted and imprisoned after a small peaceful gathering broke into songs about land rights. Armed government forces, including hundreds of soldiers, conducted a military-style raid on a village embroiled in a land dispute, killing Heng Chantha, a 14-year-old girl; they unconvincingly tried to justify themselves by saying the villagers were trying to secede from Cambodia.

Environmental activist Chut Wutty was killed by government forces while investigating illegal logging in Koh Kong. And in a separate incident, an investigative journalist who was also working on logging issues was killed in Ratanakkiri. Lethal force was used by authorities against demonstrators and other HRDs on at least eight occasions between November 2011 and May 2012.

Going back to 2011 and 2010, the situation looks even worse. An NGO working on land rights was shut down by the Ministry of Interior without any legal basis. Perpetrators attempted to kill at least three HRDs, and succeeded in killing one. And these are just the most publicized incidents. By any standard, human rights in Cambodia have entered into a free fall, and there is no indication that the bottom will be hit anytime soon.

EMERGING TRENDS IN 2010-12

Recent threats and attacks against human rights defenders have been overwhelmingly targeted at four main groups: community representatives entangled in land disputes; factory workers and union leaders; NGOs and NGO staff; and journalists. These groups faced violence, spurious legal action, imprisonment, assaults, retaliation, and even murder.

The perpetrators of threats and attacks against human rights defenders continued to be primarily state officials, ranging from local and provincial authorities all the way up to highest ranking members of the ruling Cambodian People's Party (CPP). Armed military and police forces have also been directly complicit in violating the rights of human rights defenders, either in their own capacity or on behalf of private actors. Perpetrators also continued to escape justice. Cambodia's notorious culture of impunity persists, and is particularly problematic when a case involves human rights defenders.

Since 2010, LICADHO has documented three disturbing trends in the persecution of human rights defenders.

First, **the judiciary remains firmly under the control of the executive branch of government.** It continues to be misused as a weapon of choice against human rights defenders. An alarmingly high number of grassroots human rights defenders, union leaders, community representatives in land disputes, NGO workers and even monks have been arrested, prosecuted on false charges and improperly detained since 2010 – at times without access to legal representation or even without knowledge of the charges

against them. In detention, some activists were forced to thumbprint declarations promising to stop their human rights work. Others were discouraged from continuing their human rights work through judicial harassment.

The entry into force of the new Penal Code in 2010 has not improved the situation. To the contrary, a number of vague and ill-defined offenses were repeatedly used against human rights defenders. In particular, incitement, insult and obstruction of public officials were used to threaten and justify the arrest and detention of human rights defenders during peaceful protests and forced evictions. In other cases, such charges were used in retaliation for work perceived as critical of government actions. In May 2012, the arrest of 13 land rights activists from Boeung Kak Lake marked what appeared to be a new apogee in the use of the judiciary to curtail human rights defenders. But a few months later, the situation only worsened, with the arrest of Beehive radio owner Mam Sonando and a criminal summons issued for Cambodian Human Rights and Development Association (ADHOC) senior investigator Chan Soveth.

Sonando was convicted in October 2012 on charges of inciting a “secession” movement in Kratie province, though no credible evidence of his guilt – or the existence of a secession plot – was presented at trial. Thirteen other villagers from Kratie were convicted alongside Sonando, all on charges related to the supposed secession plot. The summons issued to Chan Soveth was also believed to relate to the Kratie secession case, though the terms of the summons itself were vague.

LICADHO also documented a series of incidents in which religious and civilian authorities threatened human rights activist monk Luon Sovath between 2010 and 2012.

The second trend documented since 2010 is a **disturbing increase in violence by armed government forces against peaceful protesters**. Particularly in 2012, LICADHO’s investigations demonstrated an increasing readiness on the part of security and military forces to use lethal force against civilians. Between November 2011 and May 2012 alone, the authorities opened fire at least eight times during peaceful protests, strikes or demonstrations. Most of these incidents happened in the context of land disputes where government armed forces were acting as security guards for private companies. Collectively, these incidents revealed the continued collusion that exists between the government and powerful private interests seeking to seize land from Cambodians.

The savage and targeted physical assaults against land activist Suong Sophorn and union leader Rong Panha during peaceful protests raised serious concerns for the safety of human rights defenders. Sophorn was beaten twice, once by a coordinated mob of intervention “anti-riot” police. The documented killings of two human rights defenders between 2010 and 2012, Pich Sophon and Chut Wutty, and the numerous episodes of death threats against human rights defenders further highlighted the danger faced by human rights defenders.



Supporters demonstrate outside the trial of human rights defender Mam Sonando in Phnom Penh on Oct. 1, 2012.

Furthermore, the new Law on Peaceful Demonstration equipped the police with an additional pretext for violent crackdowns on freedom of expression and assembly. As with other recently-enacted legislation, vagueness is a problem with the law: The lack of adequate definitions and reasonable limits on authorities' discretion opened the door to numerous abuses and violations of fundamental rights.

The third trend noted has been the authorities' use of a variety of **covert strategies to silence those who dare criticize government actions**. NGOs and NGO workers have been intimidated in numerous ways between 2010 and 2012. Land rights trainings with communities embroiled in land disputes were interrupted by local authorities on dubious grounds, and the Ministry of Interior temporarily suspended the operations of Cambodian NGO Sahnmakum Teang Tnaut (STT), which had publicly advocated for the rights of land grabbing victims in high-profile cases.

Journalists reporting on human rights issues were also victimized by state-sponsored intimidation. Equipment was confiscated during press conferences; photos of forced evictions were deleted by the police; and newspapers licenses were rescinded without legal justification.

As the number of Cambodian Internet users increases exponentially from year to year, the government appears to be more concerned about controlling online information. The outages of controversial Websites in January 2011 were the first clear signs of cyber-censorship. A 2012 directive required that Internet cafes and public phone services install surveillance cameras and maintain detailed records of their customers. Many now fear that the forthcoming Cyberlaw – the existence of which has yet to be confirmed by the government, though it is reportedly at the Council of Ministers – will be used as a new tool to infringe on freedom of expression on the Internet.

This report is by no means a comprehensive examination of all of the attacks and threats against human rights defenders in Cambodia between 2010 and 2012, as many instances go unreported. Instead the report aims to provide a concise overview of the human rights abuses that LICADHO observed and investigated during that time. 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 2010.



International Teachers' Day demonstration in Phnom Penh's Freedom Park on Oct. 5, 2012.

Introduction

WHO ARE HUMAN RIGHTS DEFENDERS?

The term “Human Rights Defenders” is used to refer to social actors who, individually or as part of a group, work to uphold and protect fundamental human rights through peaceful means. Human rights defenders are identified primarily by their actions, not their profession. Anyone who acts to protect or promote civil, political, economic, social or/and cultural rights on the behalf of individuals or groups is a human rights defender. Human rights defenders are typically students, NGO staff members, teachers, lawyers, trade union leaders, monks, community representatives and journalists.

Today, a growing community of human rights activists and organizations plays a crucial role in the protection and promotion of human rights in Cambodia. In this report, human rights defenders are defined with regards to the human rights set out in the Universal Declaration of Human Rights and guaranteed by the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). As such, in determining whether a case constitutes a threat to a human rights defender, LICADHO considers whether the victim has undertaken activities that genuinely seek to protect or promote the human rights outlined in these international documents. Moreover, such actions ought to be undertaken, in whole or part, on behalf of others and to have instigated the threats or attacks against the human rights defender.

Politicians can also act as human rights defenders. However, ruling parties of countries with poor human rights records, like Cambodia, are notorious for trying to discredit neutral and impartial human rights organizations by associating them with the political opposition. In order to avoid such accusations of partisanship, LICADHO has chosen not to include threats received by politicians in this report.

LEGAL PROTECTION OF HUMAN RIGHTS DEFENDERS

By signing international declarations, resolutions and statements aimed at promoting and encouraging human rights activities, governments around the world have recognized the duty to defend human rights for decades. Human rights activism is considered essential to improving human dignity, alleviating poverty and discrimination, and ensuring the strengthening of democratic principles and the rule of law.

In Cambodia, the 1991 Paris Peace Accords helped establish a legal framework for protecting Cambodians’ rights to freedom of expression, association and assembly – the core rights exercised by human rights defenders.

In 1992, the Cambodian government signed and ratified the two main international human rights treaties, the ICCPR and ICESCR. The following year, the Constitution of the Kingdom of Cambodia was enacted and Article 31 officially incorporated the provisions of the *Universal Declaration of Human Rights*, the ICCPR and the ICESCR into the supreme law of the country.

In 1998, the UN General Assembly also adopted the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*. This declaration is commonly known as the “Declaration on Human Rights

The Kingdom of Cambodia recognizes and respects human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights and the covenants and conventions related to human rights, women’s rights and children’s rights.

Constitution of the Kingdom of Cambodia
Article 31 Paragraph 1

Defenders”¹. The 1998 Declaration sets out the protections for human rights defenders that UN member states are required to uphold and is based on legally binding principles and rights enshrined in existing international human rights standards. These protections include the rights to seek, obtain, receive and hold information relating to human rights as well as the right to complain about government non-compliance with human rights standards.



Labor Day march in Phnom Penh on May 1, 2012.

¹ For more information and the full text of the declaration, see <http://www2.ohchr.org/english/law/freedom.htm>

Background

GOVERNMENT LINE ON HUMAN RIGHTS

The legacy of the Khmer Rouge regime, which killed an estimated 1.7 million Cambodians between 1975 and 1979, still lingers more than three decades later. During this period, grievous human rights abuses were common throughout the country. The Khmer Rouge regime ended in 1979, but the civil war continued throughout the 1980s. The establishment of the UN Transitional Authority in Cambodia (UNTAC) in 1992 created some space for the re-emergence and reconstruction of civil society. Nonetheless, the political context in Cambodia today is still influenced by this history of violence, and Cambodia continues to have a poor human rights record. Thus far, 2012 has been the worst year in a decade as far as violence and repression of human rights.

“What is needed in Cambodia is not only a formal commitment to human rights on the part of the government, but their implementation through determined action in several key areas. It is in these areas that a meaningful and constructive dialogue and cooperation would be needed between the government, civil society and the international community.”

UN Special Rapporteur in Cambodia
(2009 report)

Instead of working with civil society and the international community to truly improve human rights in Cambodia, the government has preferred the route of repression and retaliation against those who actively seek to protect and promote human rights. While occasionally paying lip service to human rights, the government has not only failed to live up to its international obligations, but has also proven unwilling to wholly implement its own laws.

In March 2010, the UN Human Rights Council adopted Cambodia’s Universal Period Review (UPR) outcome report. During the UPR, Cambodia accepted all 91 recommendations on human rights issues put forth by dozens of countries. However, two years after the UPR, the situation of human rights in Cambodia has deteriorated.² Key recommendations have not been implemented. Lethal force has been increasingly used against protesters, while the perpetrators remain largely unpunished. Land disputes systematically result in forced evictions or land grabbing without proper, if any, compensation for the victims. Displaced communities are left without adequate access to basic services in resettlement areas, despite the rights guaranteed under the

2001 Land Law (including rights of ownership based on possession). The new Penal Code, notably the crime of incitement, has been used selectively against journalists, human rights activists and political leaders. Courts are not applying or interpreting laws coherently, much less in accordance with binding international standards.

Meanwhile, the justice system regularly fails to investigate and punish certain offenses, particularly those against human rights defenders. In 1999, the then-Special Rapporteur for Human Rights in Cambodia, Thomas Hammarberg, wrote that “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”.³ More than 12 years later, impunity prevails in Cambodia while adherence to the rule of law remains the exception, especially when human rights defenders are targeted.

² LICADHO Press Release “All Talk, Little Action: Two Years After UN Human Rights Review, Cambodia Continues to ignore key Recommendations”, March 22, 2012, available at: <http://www.licadho-cambodia.org/pressrelease.php?perm=272>

³ Report of the Special Representative of the Secretary-General for Human Rights in Cambodia, Thomas Hammarberg (26 February 1999) “Advisory Services and Technical Cooperation in the field of Human Rights: Situation of Human Rights in Cambodia” Commission on Human Rights, 55th Session, Agenda Item 19.

A tragic event exemplified Cambodia's notorious impunity in 2012. On May 16, 2012, hundreds of armed military police and police stormed a village in Kratie Province as part of a brutal forced eviction. A 14-year-old-girl was shot dead in the process. The villagers had been embroiled in a well-publicized land dispute with Casotim, a company that holds a 15,000-hectare land concession near their village. Instead of ordering an investigation into the teenager's killing, the government justified the violent intervention as necessary to suppress a supposed "secession" movement and accused five community leaders of being ringleaders. By September, the Phnom Penh Municipal Court had convicted thirteen community members on secession-related charges, despite the lack of any credible evidence supporting an insurrectionary movement. The court also convicted and sentenced 71-year-old independent radio station owner Mam Sonando to 20 years in prison, on charges of inciting the supposed insurrection.

PERPETRATORS

The majority of threats and attacks against human rights defenders come from state actors, ranging from police and other officials at the local and provincial levels all the way up to highest ranking members of the ruling CPP. Armed military and police forces at all levels have been involved in threats, assaults and arrests of human rights defenders.

In defending human rights, activists often find themselves in conflict with powerful Cambodian and foreign business interests, typically with close links to the authorities. These private interests frequently file or instigate malicious or unwarranted legal complaints; they also sometimes sponsor violence.

In other attacks or threats against human rights defenders the perpetrators may be unknown. This can be due either to the impunity enjoyed by the perpetrators or as a result of the police's unwillingness to conduct proper investigations into the incident. The death of environmental activist Chut Wutty exemplifies this reality.

Chut Wutty was shot dead while surveying illegal logging in Koh Kong province, accompanied by two Cambodia Daily journalists. At the time of his death, a group of men surrounded his vehicle: two soldiers, two military police, and one employee of a private logging company. One of the military police was also shot dead.

The official investigation into his death was closed only a few days after the tragedy, and failed to properly look into the circumstances of the killing. Government officials provided four different scenarios to explain the shooting. The authorities initially said that Wutty shot first, and was killed in deadly shootout with the military police officer found dead on the scene. Then, the authorities claimed that the military police shot Wutty and died from ricochet. Next, the government held that the military police committed suicide out of remorse after shooting Wutty⁴. Finally, authorities claimed that one of the MPs shot Wutty, then was accidentally killed when the company security personnel attempted to disarm him, thus ensuring that no one would be prosecuted for Wutty's death. None of these scenarios are credible when considered in light of the evidence collected by LICADHO. Following a cursory 90-minute proceeding in October, the company employee was convicted of unintentional homicide and sentenced to two years in prison, with 18 months suspended. Several key witnesses were absent from the trial, and there was no presentation of any hard or credible evidence supporting this latest version of the shootings.

"How Mr [Chut Wutty] was killed is not clear, but the official explanation has raised eyebrows."

"Cambodia Blood Trail: The Forest Witnessed an Unsettling Death"
The Economist
(May 5, 2012)

⁴ RFA News, "Mystery Surrounds Activist's Death," April 27, 2012, available at: <http://www.rfa.org/english/news/cambodia/chut-wutty-04272012155601.html>

Analysis

THE JUDICIARY: A USEFUL WEAPON AGAINST HUMAN RIGHTS DEFENDERS

"In spite of the constitutional guarantees and the existence of various institutions to enhance and safeguard its independence, the Special Rapporteur is of the view that the judiciary has not been working as effectively, independently and impartially as possible. (...). Although the Constitution of Cambodia provides for the separation of powers between the three main organs of the State, in practice the distinction between these organs is blurred and the executive branch dominates the judiciary".⁸

Case study: Boeung Kak Residents Detained & Convicted For Defending Land Rights⁵

Phnom Penh's Boeung Kak Lake (BKL) community has been struggling to protect its land rights for five years, ever since the community's land was leased to the Shukaku company, owned by ruling party senator Lao Meng Khin. The land dispute has affected 4,252 families who lived in the vicinity of the lake. Today, the lake has been drained, and more than 3,000 families have been relocated after being coerced into accepting grossly unfair compensation or having had their homes buried under sand. Throughout the years, the community has staged numerous peaceful protests in an effort to have their land ownership right recognized and respected.

In mid-2011, the World Bank announced it had frozen all funding to Cambodia in response to the government's refusal to find a just solution for displaced BKL residents. Only days later, the government announced that 12.44 hectares of land would be put aside for the remaining BKL families. The solution was immediately tainted, however, by the fact that authorities arbitrarily excluded over 90 families from receiving land titles. Authorities have so far also refused to demarcate the 12.44 hectares. As a result, members of the BKL community have continued their advocacy and protest efforts.

On May 22, 2012, 16 BKL families staged a media conference near the site where their houses were buried under sand. One family brought sticks to demonstrate the location of the demolished home, but authorities prevented them from doing so. By the end of the morning, most villagers had sought shade under nearby homes and trees while a group of villagers were sitting on the sand and singing.

Unannounced and unwarranted, the authorities pushed into the crowd of singers and arrested 13 women, including some of the key BKL community representatives. The group was kept in police custody for two nights.

On May 24, the women were brought to the municipal court at 5 a.m., before their lawyers or family and friends knew what was happening. That afternoon, the women were charged, tried, convicted and sentenced in a mass proceeding that lasted a mere three hours. The court denied the women's lawyers request for the case file, for a delay to allow the preparation of the defense – the prosecutor filed the charges only an hour before the trial began – as well as the defense lawyers' request to bring in witnesses to testify.

Each of the women were found guilty of obstructing public officials (Article 504 of the Penal Code) and

⁵ Housing Rights Task Force (HRTF) "Condemnation of Unjustified & Violent Response to Peaceful Demonstration by Boeung Kak Residents" May 22, 2012, <http://www.licadho-cambodia.org/pressrelease.php?perm=278>; See also Unpublished LICADHO Monitoring Report: PPO581AD12; See also "NGOs Condemn Baseless Convictions and Violence Against Cambodian Human Rights Defenders," a LICADHO Press Release, May 24, 2012, available at: <http://www.licadho-cambodia.org/pressrelease.php?perm=279>; See also Khouth Sophak Chakrya and Buth Reaksmeay Kongkea "Cambodian Riot Police's tactics in Spotlight," *The Phnom Penh Post*, August 1, 2012, available at: <http://www.phnompenhpost.com/index.php/2012080157741/National-news/cambodian-riot-polices-tactics-in-spotlight.html>

illegally occupying state land (under the Land Law). The trial judge sentenced each of the women to two and a half years in prison, though the sentence was partially suspended for some of the women.

During the trial, the police arrested two more BKL community representatives in front of the Phnom Penh Municipal Court, both of whom had come to testify as witnesses for the 13 women. They were placed in pre-trial detention, but finally released on under judicial supervision on June 15, 2012.

Following intense local and international pressure – including pressure from US Secretary of State Hillary Clinton⁶ – the appeals court scheduled a hearing with rare, if not unprecedented speed. On June 27, 2012, after one month and three days in detention, the women appeared at the appeal court. Outside, more than 500 supporters were prevented by mixed armed forces from approaching the court. At one point, police clashed with supporters and beat several demonstrators. One of them, a young pregnant woman, suffered a miscarriage after being kicked in the abdomen by a police officer.

After a four-hour hearing, the judges upheld the conviction and the sentences, but suspended the remainder of all 13 women's sentence. The 13 women were released on the same day, but as they now have criminal records, they remain at risk for harassment and arrest. ◀ ◀

The Legislative, Executive, and the Judicial powers shall be separated

ARTICLE 51

The Judicial power shall be an independent power. The Judiciary shall guarantee and uphold impartiality and protect the rights and freedoms of the citizens.

ARTICLE 128

Constitution of Cambodia

Continuing Patterns of Impunity in Cambodia, the UN Special Representative of the Secretary-General for Human Rights in Cambodia stated that since 1993 “Cambodia had yet to develop neutral State institutions, checks on executive power, and the means to enforce rights guaranteed in the law and the Constitution. The judiciary continued to be subject to executive interference and open to corruption”.⁸ Between 2010 and 2012, the situation has not improved. The judiciary remains under the control of the executive branch of government, allowing the courts to be used as political tools against human rights defenders.

Cambodia's Constitution establishes the country's commitment to the independence and impartiality of the judiciary. Articles 51, 128, 129 and 130 of the country's supreme law guarantee the exclusive authority of the judicial branch over adjudication and pledge substantive and procedural fairness in accordance with the rights and freedoms of all the citizens of the Kingdom. Nonetheless, the judiciary remains firmly under the control of the executive branch. Substantive and procedural laws are routinely ignored, and accused individuals are often convicted despite the lack of inculpatory evidence.

A system of political patronage dominates the judiciary at all levels. For example, while judges receive their basic salaries from the Minister of Justice, the Council of Ministers also issues separate performance allowances to judges.⁷ Such a practice is not conducive to judicial independence from the executive. In its 2005 report,

The types of criminal charges used against human rights defenders vary by case. But some legal provisions are used more than others.

⁶ Shane Worrell and Khouth Sophak Chakrya, “US Calls for Release of Boeung Kak Activists,” *The Phnom Penh Post*, June 15, 2012.

⁷ Report of the Special Rapporteur on the situation of human rights in Cambodia, Surya Subedi (2 August 2011) “Technical Assistance and Capacity Building” Human Rights Council, 18th Session, Agenda Item 10.

⁸ Report of the UN Special Representative of the Secretary-General for Human Rights in Cambodia (5 October 2005) “Continuing Patterns of Impunity in Cambodia” http://cambodia.ohchr.org/WebDOCs/DocReports/2-Thematic-Reports/Thematic_CMB05_102005E.pdf

Since the new Penal Code came into force in December 2010, for example, LICADHO has documented several problematic articles that have been used repeatedly against human rights defenders. In a recent report, *The Delusion of Progress: Cambodia's Legislative Assault on Freedom of Expression*, LICADHO expressed deep concerns about the vagueness, inadequate limitations and harsh penalties associated with these provisions.⁹ The last two years have proven that these concerns were justified. Notably, defamation, insult, incitement to commit a felony, and obstruction of public officials have been among the most frequent accusations leveled against human rights defenders.

No person may be deprived of his ownership, unless it is in the public interest. A deprivation shall be carried out in accordance with the forms and procedures provided and regulations and after the payment of fair and just compensation in advance.

2001 Land Law: Article 5

The 2001 Land Law is also frequently misused to silence human rights defenders working on land issues. The law encompasses a series of vague – and oft-abused – penal provisions for infringements of ownership, which may lead to sentences of up to five years in prison. Ironically, these provisions have been used against community representatives fighting for the respect of their land tenure rights. Meanwhile, Land Law provisions meant to protect landowners are all but ignored. Article 5, for example, provides that “no person may be deprived of his ownership, unless it is in the public interest” and guarantees fair and just compensation where a land seizure is carried out. This provision is systematically disregarded. The Land Law also guarantees property ownership rights based on possession – a right that is frequently ignored or intentionally violated.

INTIMIDATION THROUGH ARREST AND TEMPORARY DETENTION WITHOUT CHARGES

Another trend that LICADHO has documented is the arrest and detention of community representatives during peaceful demonstrations. In such cases, human rights defenders find themselves detained overnight or even for a few days with no charges pressed against them. For example, on August 18, 2011, at least 106 forest activists were arrested and detained for questioning and “re-education”. A group of approximately 300 Prey Lang members had gathered in front of the Royal Palace in Phnom Penh to conduct a religious ceremony. The network members then dispersed in small groups throughout the city to distribute fliers advocating for the preservation of the Prey Lang forest. Police and local officials immediately descended on each of the locations, confiscated the leaflets and detained the activists.

Police interference with the distribution of informational fliers about an issue of public concern and the illegal detention of the activists is deeply troubling. Not only do these tactics impede upon the completion of lawful activities in defense of human rights, they also deprive vulnerable communities of much-needed leadership and promote self-censorship.

⁹ “The Delusion of Progress: Cambodia’s Legislative Assault on Freedom of Expression,” A LICADHO Report, October 2011, available at: http://www.licadho-cambodia.org/collection/9/delusion_of_progress_legislative_assault

Case Study: Independent Radio Station Owner Convicted of Inciting a Secession Movement¹⁰

On June 25, 2012, Beehive Radio, one of Cambodia's few independent radio stations, broadcast a report on a "communication" submitted to the International Criminal Court's accusing officials in the Cambodian government of crimes against humanity related to forced displacements and evictions. The Khmer People Power Movement held a media event to promote the communication on June 22, 2012, in the Hague, Netherlands. Mam Sonando, Beehive Radio's owner and main fundraiser, covered the event as a journalist.

Twenty-four hours after the Beehive report first aired, Prime Minister Hun Sen publicly called for Sonando's arrest during a nationally-televised speech. By July 2, 2012, an arrest warrant had been issued by Kratie province investigating judge Chok Nguon, accusing Sonando of crimes related to a so-called "secession" movement in Kratie. Beyond blanket allegations, the authorities have not presented any credible evidence substantiating the claim that a secession movement exists in Kratie.

Since at least January 2012, the residents of Kampong Domrey in Kratie have been embroiled in a well-publicized and escalating land dispute with Casotim, a well-connected private company that holds of a 15,000-hectare land concession near their village. On May 16, 2012, the government sent hundreds of armed mixed forces, supported by a helicopter, to evict villagers in Kampong Domrey. During the raid, hundreds of families were evicted and 14-year-old Heng Chantha was shot dead. Government officials later justified the operation by claiming the villagers were part of a "secession movement". Several villagers were members of an NGO founded by Sonando called the Association of Democrats.

Sonando, who had been out of the country when the arrest warrant was issued, returned to Phnom Penh on July 12, 2012, as the ASEAN summit was unfolding. He was arrested three days later, barely 24 hours after the foreign ministers and diplomats present at the summit departed the city.

Upon arrest, Sonando was brought before Phnom Penh Municipal Court Judge Sem Sakola for questioning. By noon, Sonando was charged under articles 28, 456, 457, 464, 504 and 609 of the Penal Code. The charges include participation in an insurrectionary movement, inciting people to take up arms against the state, and obstruction of public officials.

On Oct. 1, 2012, Sonando was convicted and sentenced to 20 years in prison despite a complete lack of evidence presented against him in court. There was no in-court testimony or hard evidence that supported a secession plot or Sonando's alleged role in masterminding such a plot. The testimony of several in-court witnesses also contradicted earlier statements they had given to the police. But Presiding Judge Chang Sinath in her verdict favored the police paperwork over in-court testimony.

Given that Sonando is now 71 years old, he is likely to spend the rest of his life in prison if the sentence is not overturned on appeal.

Thirteen other villagers from Kratie were convicted alongside Sonando for their involvement in the alleged secession plot. ◀◀

PORTRAIT: NGO Staff Member Chan Soveth Facing Charges Related to Legitimate Human Rights Work

Chan Soveth is a prominent staff member at the Cambodian Human Rights and Development Association (ADHOC), where he has worked since 1995. He is also one of Cambodia's most outspoken human rights workers. He is currently a Senior Investigator and the Deputy Head of the Monitoring Section of ADHOC.

¹⁰ "Release Mam Sonando, Owner of Cambodia's Oldest Independent Radio Station", a LICADHO Press Release, July 16, 2012, available at: <http://www.licadho-cambodia.org/pressrelease.php?perm=287>; see also David Boyle "Sonando broadcast targeted PM", *The Phnom Penh Post*, July 18, 2012, available at: <http://www.phnompenhpost.com/index.php/2012071857483/National-news/sonando-broadcast-targeted-pm.html>

Court Summons

On August 9, 2012, the Phnom Penh Municipal Court issued a citation summoning Chan Soveth to appear at the Phnom Penh Municipal Court on August 24, 2012. According to the summons, Soveth is suspected of violating article 544 of the Penal Code, which forbids providing assistance to the perpetrator of a felony. If found guilty of the charges, Soveth faces up to three years in prison and a fine of 2 to 6 million riels.

The government has still not disclosed the exact basis for the case against Soveth, but the summons appears to be connected to the same dispute in Kratie that the government attempted to connect to independent radio station owner Mam Sonando. Soveth's summons came only a few weeks after Sonando was arrested and placed in pretrial detention.

Soveth's summons was also issued less than two weeks after the Prime Minister, in a nationally-televised speech on August 2, 2012, claimed that an unnamed NGO worker had assisted one of the alleged "secessionists" in Kratie. During his speech, the Prime Minister asked his staff whether authorities had questioned the NGO staffer and urged the staffer to come forward and "confess." Records indicate that the criminal case file was opened by investigating Judge Chhe Virak a mere 48 hours after the Prime Minister's speech.

On August 23, 2012, the day before Soveth was to appear in court, the Phnom Penh Municipal Court judge, Chhe Virak, approved Soveth's request to delay the case. The new date was set for September 11, 2012, but was delayed again indefinitely. Despite this, Soveth's lawyer Sam Sokong told *The Phnom Penh Post* that the court wouldn't provide them with a "copy of Chan Soveth's case until he appears at the court. If the court doesn't allow us to copy the case of Chan Soveth, we don't know the reason my client was charged or how to argue the case".

The "Secession Movement" theory

On May 16, 2012, the government sent hundreds of armed mixed forces, supported by a helicopter, to evict villagers who had been embroiled in a land dispute with the private firm Casotim. During the raid, a 14-year-old girl was shot dead.

Amidst global outcry criticizing the deadly operation, the government stated that excessive force was necessary to quell a secessionist movement in the area. This justification has been widely criticized. None of the government forces were injured, and there has still been no credible evidence presented that the residents of the area had armed themselves against the authorities. Nor is there any evidence that the residents had the intent, the plans, or the means to attempt to secede from Cambodia. Indeed, there was no mention in any media or public statements of any kind describing any insurrection or secession efforts in the area prior to the military action. And the government has steadfastly refused to even attempt to



The body of Heng Chantha, a 14-year-old girl who was shot dead by government forces when they raided a Kratie village for a forced eviction in May 2012.

publicly explain the basis for the accusations, aside from conclusory and vague remarks with no mention of legal elements or evidence.

Potential Ripple Effects

The summons of Chan Soveth is clearly an act of judicial harassment aimed at hindering his legitimate human rights activities. Given Soveth's status as one of Cambodia's most outspoken and senior human rights advocate, the seriousness of his case cannot be understated. It is the most serious threat to human rights work in Cambodia in a decade.

STATE SPONSORED VIOLENCE: ASSAULTS ON FUNDAMENTAL RIGHTS

Public demonstrations have increased in Cambodia as a direct consequence of the absence of the rule of law. In the face of widespread corruption, indefinite and unwarranted delays of civil lawsuits related to land rights, and a deteriorating human rights environment, citizens seeking to defend their rights have increasingly pursued alternative solutions. Public demonstrations, either in the form of protests, strikes or rallies have become common tactics.

Since its last report, LICADHO has documented a disturbing increase in violent police interventions against peaceful demonstrators. Security forces increasingly use excessive force to end gatherings preemptively. Police, military police and soldiers are deployed to obstruct peaceful assemblies – often violently – and disperse protesters. Such interventions are also commonly used to protect private company's land concessions. Between November 2011 and May 2012 alone, the authorities opened fire eight times during peaceful protests.¹¹

The circumstances surrounding many of these incidents reveal close collusion between the government and powerful private interests seeking to seize land. Armed forces are routinely deployed as security guards for companies embroiled in land disputes.

Case Study: Military Defending Corporate Interests Opens Fire on Villagers¹²

On January 18, 2012, military personnel acting as security guards for TTY Co. Ltd. opened fire on a group of unarmed villagers in Kratie's Snoul District. About 400 villagers had gathered to prevent the clearing of their farmland by the company's excavators. The destruction of the cassava fields affected 203 families. The villagers were seeking to harvest the cassava before the company cleared their land.

Four villagers, Ly Ey Sa, Mong O, Neth Ratana, and Try Ya, were severely injured. Three of the victims of the shooting were immediately sent to a hospital in Kampong Cham. One of the victims was subsequently transferred to Vietnam due to the severity of his injuries. None of the authorities present during the shooting attempted to arrest the perpetrators.

In the days following the shooting, the villagers blocked national road 76A, demanding that the government expel the company from the province and revoke their concession.

TTY Co. Ltd., owned by An Marady, an advisor to the Prime Minister, was granted an Economic Land Concession in 2008 on more than 9,000 hectares in Snoul district for cassava and rubber plantations. A portion of the concession is located within the Snoul Wildlife Sanctuary.

¹¹ "The Culture of Impunity and Violence Must Stop," a LICADHO Press Release, May 30, 2012, available at: <http://www.licadho-cambodia.org/pressrelease.php?perm=282>; see also: "Five Shooting Incidents at Land Dispute Protests in the Past Two Months Show Alarming Increase in Use of Lethal Force," LICADHO Press Release, January 26, 2012, available at: <http://www.licadho-cambodia.org/pressrelease.php?perm=269>

¹² Unpublished LICADHO Monitoring Report: PP010PA12; see also: "Military Shoot Land Protesters in Northeastern Cambodia," a LICADHO Video, January 21, 2012, available at: <http://licadho-cambodia.org/video.php?perm=29>

After widespread criticism of the violence – and after videos of the shooting went public – the Prime Minister himself called for arrests. Two security guards were quickly summoned for questioning on January 30, 2012, on possible weapons charges. The two men, Ke Sovanna, 40, and Pin Kimleng, 26, were charged with illegal use of weapons, despite the existence of ample evidence supporting a more serious charge such as attempted murder. In March 2012, a long-time supervisor of TTY, Un Piseth, was also reportedly arrested on accusations related to the shootings.

Land and labor activists are also increasingly resorting to directly petitioning the Prime Minister himself, national institutions, and foreign diplomats to intervene on their behalf. ◀ ◀



Police stand by as demonstrators gather in support of the Boeung Kak 13 in Phnom Penh on June 27, 2012.

NOVEMBER 2011 – MAY 2012:
Eight cases of Lethal Force Used During Protests or against Activists

Nov. 24, 2011

Treng Trayueng Commune, Phnom Sruoch District, Kampong Speu

Military police officers, accompanied by civilian police, shot into the air to break a road block staged by about 100 villagers. The villagers were protesting an attempt by the provincial prosecutor to implement a Supreme Court verdict ordering the seizure of their farmland by an obscure “farmers” association, represented by a military colonel. No injuries reported.

Dec. 12, 2011

Phnom Preuk District, Battambang

A commanding military officer, acting as a security guard for Soun Mean Sambath Co., shot at a group of villagers demonstrating against the clearing of farmland by the company, which was granted a 4,095 hectare Economic Land Concession (ELC) in the area in April 2011. Three villagers were injured.

Jan. 3, 2012

Borei Keila Settlement, Phnom Penh

Over 100 mixed police forces fired tear gas and live ammunition at residents as they oversaw the demolition of inhabited houses by Phanimex employees. Twelve people were injured, including one police officer.

Jan. 3, 2012

Ka Nat Thum Village, Ratanakiri

A military police officer fired two shots toward a group of indigenous villagers protesting against land clearing by a rubber company. The villagers have a longstanding land dispute with Heng Brother Rubber, a Vietnamese company. No injuries reported.

Jan. 18, 2012

Snuol District, Kratie

Military officers, acting as security guards for TTY Co., Ltd., opened fire on villagers protesting the destruction of their cassava fields. The TTY company had obtained an economic land concession in the area. Four villagers were injured.

Feb. 20, 2012

Manhattan Special Economic Zone, Bavet District, Svay Rieng

Bavet district governor Chhouk Bandith opened fire on a group of about 1,000 garment workers during a labor demonstration. Three female garment workers were hit by the gunfire and seriously injured.

Apr. 26, 2012

Bak Khlang Commune, Mondol Seims District, Koh Kong

Environmental activist and director of Natural Resources Protection Group Chut Wutty was shot dead during an altercation with military officers, who were acting as security guards for the Timber Green company. Wutty was accompanying two Cambodia Daily journalists reporting on illegal logging.

May 16, 2012

Kampong Domrey Commune, Kratie

Military soldiers opened fire during a forced eviction of about 400 villagers. Two villagers were injured and Heng Chantha, a 14-year-old girl, was killed.

SUPPRESSION THROUGH IMPROPER APPLICATION OF VAGUE LAWS

Force is not the only weapon at the authorities' disposal when it comes to suppressing public demonstrations. The legislature has also equipped authorities with the **Law on Peaceful Demonstration**, which entered into force in April 2010.

The law was presented as being necessary to supervise gatherings and protect the public, but in practice, it is being used to legitimize infringements on constitutionally protected rights. It requires that virtually all public gatherings, regardless of size or purpose, be approved in advance by the authorities. The law also confers upon the officials the power to ban peaceful demonstrations on the grounds of "serious threats" to security, safety or public order. The problem is that this limitation is not defined in the law. Such vagueness has opened the door to arbitrary enforcement of the law, and further crackdowns on the right to freedom of assembly and expression.

Other provisions in the **Law on Peaceful Demonstration** expose human rights defenders to threats and assaults as well. For example, under the new law, notifications to authorities must include a copy of the identity card of three Khmer nationals. Human rights defenders have expressed fear that this requirement allows the authorities to easily identify leading HRDs and target them in retaliation for their work.

"Khmer citizens shall have freedom of expression, press, publication and assembly. No one shall exercise this right to infringe upon the rights of others, to affect the good traditions of the society, to violate public law and order and national security."

Constitution of Cambodia
Article 41

Case Study: Suong Sophorn, A Boeung Kak Lake Activist Repeatedly Beaten by Police¹³

On October 28, 2010, a group of 50 protesters gathered in front of the Khmer-Soviet Friendship Hospital in Phnom Penh while UN Secretary General Ban Ki-moon was touring the facility. The protesters were seeking the intervention of the UNSG in the ongoing Boeung Kak Lake land dispute.

At about 10:15am, a mixed group of armed anti-riot police and administrative police officers launched a violent assault against the peaceful protesters. Demonstrators were pushed to the ground, beaten with walkie-talkies and shocked with electric batons.

Suong Sophorn was targeted by police, viciously beaten and wounded on the head. The police then dragged him away as he fell unconscious from the injuries. As he was being taken away, the officers continued beating him.



Activist Suong Sophorn is photographed in Phnom Penh after he was beaten by riot police during a visit of the UN Secretary-General on Oct. 28, 2010.

This was not the first time that authorities had targeted Suong Sophorn. The land activist used to reside in the Boeung Kak Lake area, and in June 2009, he was detained for three days and before being brought to court. In a summary hearing, he was immediately found guilty of defaming the government after he spray-painted the words “Stop Eviction” on his own house.

Less than a year later, Sophorn was targeted yet again.

Early on the afternoon of Sept. 16, 2011, 100 “anti-riot” intervention police officers and Daun Penh District Security guards stormed into a Boeung Kak neighborhood to protect two excavators that were in the process of destroying homes. The homes belonged to families who had been arbitrarily disqualified inclusion in a 12.44-hectare plot of land set aside for the remaining residents.

As the excavators moved to destroy more homes, a mob of intervention police officers savagely assaulted Suong Sophorn. The land activist was violently kicked and beaten with bricks and batons by the police officers. LICADHO’s video footage shows that one policeman repeatedly hit Sophorn on the head with the barrel of his tear gas gun.

After the assault, the mob of police left Suong Sophorn unconscious in a pool of blood on the street. LICADHO monitors took the severely injured activist to the local hospital where he was treated for a serious head wound; his finger was also split in two after being slammed by a brick. He regained consciousness following medical intervention. ◀ ◀

¹³ “Violent Crackdown of Peaceful Protesters during the Visit of UN Secretary-General,” a LICADHO Press Release, October 28, 2010, available at: <http://www.licadho-cambodia.org/pressrelease.php?perm=229>; See also: LICADHO Video <http://www.licadho-cambodia.org/video.php?perm=20>; see also: Unpublished LICADHO Monitoring Report: PP140FEA10; see also: “Boeung Kak Lake Activist Savagely Beaten by Mob of Police Officers during Forced Eviction,” a LICADHO Video, September 17, 2011, available at: <http://www.licadho-cambodia.org/video.php?perm=25>; see also: “Phnom Penh Municipality Must Abide by the government’s Order to Grant Land to the Remaining Boeung Kak Lake Families,” a LICADHO Press Release, September 16, 2011, available at: <http://www.licadho-cambodia.org/pressrelease.php?perm=259>

DEATH THREATS AND ATTEMPTED KILLINGS TARGETING HUMAN RIGHTS DEFENDERS

Between 2010 and 2012, human rights defenders also faced death threats and attempted killings. The perpetrators of these assaults often remain unidentified and, as such, are never prosecuted.

LICADHO documented one attempted killing and a killing in April 2010. On April 21, land rights activist Sim Mey escaped death after two unidentified men fired at him in O Samrei Commune, Battambang. Tragically, Sim Mey's fellow community representative, Pich Sophon, was shot dead a few days later (see case study below).¹⁴

Two days later, in Banteay Meanchey, community activists Neu Leng and her husband, Im Kimsan, were violently attacked by a mob of people led by Santepheap village chief Sear Houy. Neu Leng had been involved in defending her fellow villagers' land rights after village chief Sear Houy demolished and burned homes in an attempt to seize village land.¹⁵

On June 9, 2011, an unidentified gunman fired eight shots at the home of fishery resource conservation activist Neth Suong in Koh Kong province's Ta Ok village. Suong had been very active in spreading information about fishery conservation among villagers.

In a similar incident on July 26, 2011, another unidentified gunman opened fire on the home of land rights activist Kun Eng in Siem Reap's Tbeng Commune. Luckily, neither Kun Eng nor his wife and eight-month-old daughter were injured. The family subsequently fled their home, fearing for their safety. Not long before the incident, Kun Eng had spoken publicly about a Forestry Administration scheme that could adversely impact 105 families in his commune.

In April 2012, railway community activist Ros Bopha was forced to flee her home after leading her community in protest over their living conditions at the Trapeang Anhchanh relocation site.¹⁶ She was relocated, along with hundreds of others, from her former house along the railway tracks in Phnom Penh. Cambodia's railways are currently being renovated, resulting in the relocation of thousands of families.

Ros Bopha and other community representatives had submitted a complaint about unsuitable living conditions at the relocation site to the Asian Development Bank (ADB), which is helping fund Cambodia's railway renovation project. Two days later, village chief Chan Sy Dara led about 40 villagers and security guards in a violent assault on the newly arrived "railway" families using electric batons, knives, sticks, throwing bricks and stones. Police watched the assault without intervening. During the assault, village chief Chan Sy Dara entered Bopha's house with a gun, shouting threats, but she had already fled. On April 10, she was again threatened with arrest and was a victim of assault as the village chief and his supporters gathered in front of her house at night and drank alcohol while throwing rocks and shouting at her. The accumulation of these threats and harassment finally forced Ros Bopha to flee the community.

¹⁴ Unpublished LICADHO Monitoring Report: BB029AK10.

¹⁵ Unpublished LICADHO Monitoring Report : BM055AK10

¹⁶ "Violent Attack by Local Authorities against Railway Relocation Site Residents," a LICADHO Press Release, April 6, 2012, available at: <http://www.licadho-cambodia.org/pressrelease.php?perm=274>; See also: "Cambodian woman threatened with death: Ros Bopha," Amnesty International Document, April 13, 2012, available at: <http://www.amnesty.org/en/library/asset/ASA23/005/2012/en/cbb1b531-b422-45d3-9e3f-89099e50fab5/asa230052012en.html>

Case Study: The assassination of a land rights activist in Battambang *Pich Sophon*¹⁷

On April 26, 2010, 59-year-old Pich Sophon died in front of his house after being shot eight times by three unknown armed individuals. Pich Sophon had been acting as community representative in a land dispute between his village, the Royal Cambodian Armed Forces (RCAF) and purportedly a South Korean company. Sophon lived in Chamlang Romeang Leu village, Samrel Commune, Samlot District, Battambang.

Earlier in April, Pich Sophon's fellow community representative, Sim Mey, was injured by gunfire after two would-be assassins shot him. In response to this attempted killing, Sophon decided to file a criminal complaint against the company and RCAF with the provincial authorities. On the day of his assassination, he was returning home after obtaining thumbprints for the complaint from his fellow villagers. ◀ ◀

PORTRAIT: Chut Wutty, Cambodia's Most Prominent Forest Activist Killed While Investigating Illegal Logging

"According to the law, those living surrounding the forest have the right to access non-timber forest products. They are entitled to use timber from the forest to build their houses. ... [T]his access is denied. ... I understand that if I don't help them no one would ... many others in the country only want to be in a senior position and to get rewards: to make more and more money no matter if it is at the expense of others."

His Battle

Chut Wutty was one of Cambodia's best known environmental activists. He was the founder and president of the Natural Resource Protection Group (NRPG) and dedicated his life to fighting against illegal logging and deforestation in the country's protected areas. Wutty was particularly vocal about the alleged role that the military played in facilitating illegal logging by companies who were granted land concessions for other purposes. He played a crucial role in inspiring villagers to protest against unjust development and exploitation across Cambodia.

Born in Meas Village, Vihear Sour commune, Kchlach Kandal district, Kandal, Chut Wutty was a soldier until the day he died. After obtaining a masters degree in military studies in Russia, he worked for the Cambodian Mine Action Center and as a military officer trained at the Ministry of National Defense. He later became a deputy director at Global Witness, a British environmental monitoring NGO. After Global Witness was expelled from the country by the Cambodian government, Wutty founded the NRPG.

Chut Wutty had been particularly active in the Cardamom Mountains and in Prey Lang Forest. In 2011, he played a key role in supporting the Prey Lang Network, a grassroots community movement involving communities from four different provinces who depended on the forest for their livelihoods.

Prior to his death, Chut Wutty had been the victim of repeated threats and intimidation. In September 2011, he was arrested and banned from conducting a land and forest law training session in Mean Right commune, Sandan district, Kampong Thom. Then in November 2011, he was threatened with arrest in relation to his involvement in peaceful community-led forest patrols in Prey Lang to prevent illegal logging and to examine the Vietnamese company CRCK's rubber concession. Wutty was grabbed in a stranglehold from behind and wrestled by a military officer, while a policeman pointed a AK-47s at him. Nonetheless, these threats did not deter him from pursuing his activism.

¹⁷ Unpublished LICADHO Monitoring Report: BB035K10; See also: "Freedom of Expression in Cambodia: The Illusion of Democracy," a LICADHO Report, December 2010, case study 26, available at: <http://www.licadho-cambodia.org/reports.php?perm=149>

Shot Dead in the Forest

On the morning on April 26, 2012, Chut Wutty was accompanying two Cambodia Daily journalists who were investigating illegal logging and illegal yellow vine harvesting in the Cardamom Mountains. Around noon, in the Russey Chrum area, the journalists took several photos near the Upper Russey Chrum hydrodam's projected reservoir. Shortly after, the group was blocked by a mixed group of military police officers and soldiers, acting as guards for the Timber Green Company.

The guards sought to confiscate all of their recording equipment. After the journalists handed over their cameras, Wutty refused to also relinquish his memory card, and a verbal altercation followed. More armed personnel arrived in the area. The situation escalated and within roughly half an hour, armed military police and soldiers surrounded Wutty's vehicle. Chut Wutty was physically and verbally abused, before being shot in the stomach. A military police officer, In Rattana, was also killed by two close-range shots from an AK-47.

In the hours and days following the shootings, the authorities provided several incoherent explanations for the deaths – all of which contrasted with available evidence. The authorities initially claimed that a deadly shootout, with Wutty shooting first, had led to the deaths, despite the fact that Wutty's weapon was found wrapped in cloth in his pocket with no shots fired. Then they claimed the deaths were due to accidental ricochets, despite the fact that bullet trajectories and the type of bullets made this impossible. Finally it was suggested that In Rattana had killed Wutty then turned his AK-47 on himself in a remorseful suicide, shooting himself twice. After widespread criticism of these implausible scenarios, the government established an official investigation team. The team was composed of a handful of high-level officials who are connected to the ruling party. Their report claimed that Rattana had shot Wutty, and then was killed by an accidental discharge when another security guard, Ran Boroth, attempted to disarm him.

The investigation failed entirely, however, to examine the events preceding the deaths of Wutty and the officer, and to explain why government armed forces were acting as security for a private firm. The report also failed to make any mention of the alleged illegal activities conducted by Timber Green Co. that Wutty and the journalists were investigating.

Boroth was tried on charges of unintentional homicide on October 5, 2012. At trial, no credible evidence was introduced supporting the investigation teams final conclusions. Several key witnesses were absent -- indeed, only one individual who testified in court claimed to have witnessed the shootings at all. There was no hard evidence presented whatsoever. Perhaps most disturbingly, Boroth was not even physically able to reenact how he had managed to accidentally shoot Rattana while attempting to disarm the slain officer. Nevertheless, on October 22, 2012, the court convicted Boroth and sentenced him to two years, with 18 months suspended.

Ultimately, the death of one of Cambodia's most prominent environmental activists thus resulted in six months in prison for a low-level member of the military, who was improperly moonlighting as security for a private company widely accused of complicity in illegal logging.

INTIMIDATION & COVERT ATTACKS AGAINST HUMAN RIGHTS DEFENDERS

In addition to judicial intimidation and violence, the authorities also made use of other less direct methods to obstruct the work of human rights defenders between 2010 and 2012. These strategies include censorship of media, the shut-down of an NGO, blockage of certain Internet sites, and the suppression of politically-active monks.

ATTACKS ON CIVIL SOCIETY

In 2011, UN Special Rapporteur on Human Rights in Cambodia, Surya Subedi, reported that “in the past two years, human rights groups and other NGOs working to promote and protect the land and housing rights of the poorest, sustainable development, or the constitutional rights to freedom of expression, assembly and the press have been increasingly subjected to various forms of harassment and intimidation, including restrictions on movement and freedom of assembly, verbal threats, threats of legal action and, in some cases, criminal proceedings. Their efforts to educate and advise local communities about their legal rights and how to exercise them peacefully, through existing institutions, have increasingly been labeled as ‘incitement’ and have been associated with the political opposition.”¹⁸ This mentality, associating every criticism to the political opposition, is deeply harmful to Cambodia’s democracy.

Attacks on NGOs, in particular, were numerous between 2010 and 2012. NGOs meeting with community members have been disrupted, NGO staff members have been threatened with judicial actions and death threats, and NGOs activists were prohibited from conducting land and forest rights trainings. For example, on July 27, 2012, the local authorities in Ratanakiri, accompanied by police interrupted a training session on land rights organized by the NGOs ADHOC and CCHR.¹⁹ The deputy governor Nap Bun Heng attempted to justify the police action by citing the failure of the organizers to notify the authorities. However, under article 3 of the **Law on Peaceful Assembly**, organizers are exempted from notification requirements for all education dissemination activities for social interests. Moreover, the training session occurred in a private home, making the authorities claim even more ludicrous.

Perhaps the most troubling incident came in 2011, however, when the government shut down local NGO Sahmakum Teang Tnaut (STT), as detailed in the case study below.

Case Study: Local NGO temporarily shut down after publishing critical report²⁰

On August 4, 2011, the Ministry of Interior Secretary of State Nuth Sa An issued a letter to STT declaring that its activities were to be suspended for a period of five months. The letter offered no legal basis for the suspension. The only explanation given was that STT had failed to modify its leadership structure and to make a revision to its statutes “according to the instruction of a specialized department”. STT’s efforts to clarify the legal basis for the suspension from MOI were met with silence.

STT is no stranger to controversy. The NGO works with poor urban communities regarding land and housing rights. Many of their clients have been affected by land-grabs perpetrated by authorities or their close associates. Not long before the forced shut-down, STT published a report that used objectively quantifiable data to show that families evicted during a railway rehabilitation project in Phnom Penh had been grossly undercompensated. The railway project is partly funded by the Asian Development Bank (ADB).

After STT’s suspension, the outcry from civil society was swift. The government responded by implying that STT’s suspension was related to the organization’s alleged “incitement” of communities affected by the railway rehabilitation project. MOI also issued formal warning letters to two other organizations that study the impact of the railway development plan.

The true motivation for the suspension was further confirmed on September 21, 2011, when news reports

¹⁸ Report of the Special Rapporteur on the situation of human rights in Cambodia, Surya Subedi (August 2, 2011) “Technical Assistance and Capacity Building” Human Rights Council, 18th Session, Agenda Item 10.

¹⁹ *The Cambodia Daily*, July 27–28, 2012; See also: CCHR Video “On July 27, 2012, the authorities and police officers disrupted a training session jointly organized by CCHR and ADHOC,” August 2, 2012, <http://www.youtube.com/watch?v=e37f00WTd24>

²⁰ “We are all STT: Civil Society and Private Sector Groups Condemn government’s Arbitrary Suspension of Local NGO,” Joint Civil Society Press Release, August 21, 2011, available at: <http://www.licadho-cambodia.org/pressrelease.php?perm=256>; See also: “The Delusion of Progress: Cambodia’s Legislative Assault on Freedom of Expression,” a LICADHO Report, October 2011, available at: <http://www.licadho-cambodia.org/reports/files/162LICADHOReport-LegislativeAssaultFreedomExpression2011-English.pdf>

revealed the existence of a June 17, 2011, letter written by Deputy Prime Minister Keat Chun to Prime Minister Hun Sen²¹. The letter refers to STT and Bridges Across Borders Cambodia by name and denounces the NGOs for their criticism of the railway development project. It also accuses “ignorant foreigners working in NGOs” of inciting the estimated 4,000 people affected by the railway project. Keat Chun went further to recommend that foreigners working for NGOs should be banned from performing any advocacy work in Cambodia and urged the Council of Ministers to accelerate its review of the proposed Law on Associations and NGOs (LANGO).

STT’s suspension ended in January 2012. ◀◀

Civil society actors play a vital role in the improvement of the welfare of Cambodians, through monitoring, community development, poverty alleviation, humanitarian assistance, research, and advocacy. In promoting equitable development and good governance, civil society has the right and the responsibility to speak out when development projects have harmful effects against vulnerable Cambodians. Retaliation for criticizing harmful development constitutes an assault on civil society at large and sends a powerful message of threat to human rights defenders.

Between 2010 and 2012, the position of civil society in Cambodia has grown precarious. The temporary closure of STT highlights this fragility. The use of a vague administrative technicality to suspend an organization is an alarmingly clear sign of how the Cambodian government intends to curb the activities of civil society organizations that advocate for the rights of marginalized groups in Cambodia. Moreover, the STT case unfolded as the government was pushing forward a new law on associations and NGOs. The suspension of STT offered civil society a preview into the future of government control over organizations and associations under the draft **Law on Associations and Non-government Organizations (LANGO)**.

On December 15, 2010, the government released the first draft of **LANGO**²². Three subsequent drafts were presented, all of which were thoroughly criticized by local and foreign civil society groups. The most alarming issues were the compulsory registration requirement for NGOs and associations and the vague provisions governing their forced dissolutions.

By December 2011, the government had issued its fourth draft of the law. Mandatory registration remained – though great attempts were made to disguise it – and the law still contained vague and unspecified terms giving the government the ability to target NGOs and associations by ordering their closure or denying them registration.

Ultimately, in response to a yearlong wave of harsh criticism from civil society and donor governments, the Cambodian government announced on December 28, 2011, that promulgation of the LANGO would be suspended until at least 2014.

²¹ Sebastian Strangio, “Cambodian NGO Under the Gun,” Asia Times Online, Sept. 20, 2011, available at: http://www.atimes.com/atimes/Southeast_Asia/M120Ae02.html

²² “Draft Law on Association and NGOs: Comments on the Fourth Draft,” a LICADHO Briefing Paper, December 2011, available at: <http://www.licadho-cambodia.org/reports/files/1632011JointStatementanalysisOf4thdraftLANGO.pdf>; See also: “Revise or Abandon Draft NGO Law: Donors Should Incite on Protections for Civil Society,” a LICADHO Press Release, December 22, 2011, available at: <http://www.licadho-cambodia.org/pressrelease.php?perm=266>

ATTACKS AND INTIMIDATION AGAINST JOURNALISTS

Journalists have also been victimized by state-sponsored intimidation. A number of cases between 2010 and 2012 reveal the government's hostility towards the profession, especially when journalists seek to uncover the truth about events that might portray the authorities in a negative light.

The most shocking event came in September 2012, when muckraking journalist Hang Serei Oudom was murdered²³. His battered body, hacked at least six times with an axe, was found in the trunk of his car. Oudom's work had focused on exposing illegal logging and forest crimes involving the local elite.

On January 14, 2012, police detained a photographer from the *Phnom Penh Post* and deleted his photos taking during an eviction at Boeung Kak Lake.

On January 22, 2011, four journalists – Phann Ana, Vong Sok Heng, Hai Syna and Sok Kuhn – had their voice recorders confiscated during an Anti-Corruption Unit (ACU) press-conference organized by ACU deputy chief Seng Bou Rat²⁴.

ACU Chief Om Yentieng had called the press-conference to detail the ACU's investigation and arrest of anti-drug czar Moek Dara. During the Q&A period following the event, Om Yentieng answered several questions. The confiscation occurred after a *Cambodia Daily* reporter asked Om Yentieng about a shelved US Federal Bureau of Investigation (FBI) inquiry into the deadly 1997 grenade attack during an opposition party rally, which killed at least 16 people and wounded more than 100.

Om Yentieng responded, "don't put me into a trap, how much you know about the FBI report. You are a Khmer child with Khmer blood, and you recorded my voice without permission". Om Yentieng added that the reporter could face a court complaint before the voice recorders were confiscated and the material from the Q&A deleted.

After the Overseas Press Club of Cambodia criticized the confiscation, a Council of Ministers spokesman attempted to justify the incident by calling the question an "insult".

Journalists have a responsibility to obtain information by fair methods, which includes asking public officials questions of interests during press conferences. Journalists investigating to unveil an unresolved assault on the Cambodian people should not be threatened with criminal prosecution and their equipment should not be confiscated. Confiscation of tapes and/or recorders is a form of pre-publication censorship which is prohibited by Article 3 of the 1995 Press Law.

Administrative measures have also been deployed against the media. In August 2011, the Ministry of Information rescinded the licenses of two newspapers owned by the same publisher, *The Water and Fire News* and *The World News*.²⁵ Khieu Kanharith, the Minister of Information, signed the notice outlining the decision. Like in the case of the NGO STT, the Ministry justified the closure with vague administrative technicalities. According to the newspapers' director, Keo Amnot Sangkhem, the publications were politically independent, but did not fear being critical of the ruling CPP.

²³ RFA News, "Journalist Found Murdered," Sept. 19, 2012, available at: <http://www.rfa.org/english/news/cambodia/journalist-09122012130944.html>

²⁴ Unpublished LICADHO Monitoring Report: PP0110FEA11. See also: "The Delusion of Progress: Cambodia's Legislative Assault on Freedom of Expression," *supra*.

²⁵ "Newspaper motto noting Cambodia's land area deemed 'insulting', two newspapers shut down," CCHR Human Rights Defenders Alert, August 8, 2011, available at: http://www.cchrcambodia.org/index_old.php?url=media/media.php&p=alert_detail.php&alid=3&id=5

Case Study: Khmer Machas Srok Newspaper & the Cost of Criticizing the Government²⁶

On June 26, 2009, Hang Chakra, the editor-in-chief of a prominent Khmer opposition newspaper was imprisoned on disinformation charges after publishing an article accusing officials close to Deputy Prime Minister Sok An of corruption.

On April 13, 2010, Hang Chakra was released from prison after a royal pardon, and pledged to continue criticizing the government. However, in the meantime, the Khmer Machas Srok journalists toned down criticism of the government after Hang Chakra's arrest, fearful that they might be arrested themselves. Sales dropped as a consequence.

During an interview with LICADHO in July 2010, Hang Chakra said that the paper faced severe financial difficulties because advertisers and sponsors had been intimidated by government officials. Ultimately the newspaper ceased publication due to lack of funding. ◀ ◀

INTERNET-RELATED THREATS

The long-rumored **Cyber Law** is another potential source of concern, as HRDs are increasingly relying on the Internet to communicate, disseminate information, and advocate for their causes. Though the government tightly controls traditional media outlets, the Internet in Cambodia has thus far remained relatively open. That is likely due to historically low Internet penetration rates. As late as 2009, less than 0.5% of Cambodians were Internet users.²⁷ Today, that number has risen to about 3%. And as more Cambodians go online, the government is showing more interest in regulating – and censoring – the Internet.

The government claims that a Cyber Law is necessary for national security, but recent events suggest it might be more commonly used to silence critics. The earliest signs of censorship came in January 2011, when the controversial Web site KI-Media, a blog dedicated to aggregating news articles and opinions on Cambodia, including material critical of the government, was blocked by most Cambodian Internet Service Providers (ISPs). The outage also blocked every single blog hosted by the domain Blogspot – which hosts KI-Media²⁸. The problem affected a number of ISPs, including Ezecom, Metfone and WiCAM.

In February 2011, a new wave of outages hit, affecting KI-Media again as well as the other sites, including Khmerization, a citizen-journalist blog often critical of the government, and the blog of the Khmer political cartoonist Sacrava.

Following the outages, the Phnom Penh Post reported that WiCam customers who attempted to access Ki-Media instead saw a message stating that the site had been “blocked as ordered by the Ministry of Post and Telecommunications of Cambodia”²⁹. The Minister, So Khun, later denied that the government had ordered the blockage of the site, but a quick review of Cambodian news over the preceding months indicates otherwise. On December 16, 2010, Chairman of Cambodia-Vietnam Joint Border Commission Var Kim Hong told Radio Free Asia that the government would shut down KI-Media by December 31.

The depth of the government crackdown on freedom of expression on the Internet is perhaps exemplified by the incarceration in December 2010 of UN World Food Program staff member Seng Kunnaka. The WFP staff member was convicted and imprisoned after he merely printed and shared material

²⁶ “We are all STT: Civil Society and Private Sector Groups Condemn government’s Arbitrary Suspension of Local NGO,” a Joint Civil Society Press Release, *supra*. “The Delusion of Progress: Cambodia’s Legislative Assault on Freedom of Expression,” a LICADHO report, *supra*.

²⁷ World Bank “ICT At-a-glance: Cambodia,” available at: <http://www.google.com/search?client=safari&rls=en&q=world+bank+cambodia+Internet+use&ie=UTF-8&oe=UTF-8>

²⁸ “LICADHO Condemns Censorship of Web Sites Critical of government,” a LICADHO Press Release, February 16, 2011, <http://www.licadho-cambodia.org/pressrelease.php?perm=238>

²⁹ *Ibid*.

found on the website KI-Media³⁰ This groundless conviction sent a chilling message to human rights activists, whose work often involves producing and disseminating information that can be perceived as critical of the government.

RELIGIOUS AUTHORITIES HELP SILENCE ACTIVIST CLERGY

Finally, a series of disturbing events involving religious authorities threatening human rights activist monks have been documented by LICADHO between 2010 and 2012.

Religious authorities have been complicit with the government in seeking to silence monks that speak up on the behalf of communities who fall victim to human rights abuses.

In a case dating from August 2010, Ven. Thach Prey Chea Khoeun was threatened by a chief monk and a representative of the Ministry of Interior over his involvement in publishing the Prey Nokor, a newspaper published by Khmer Krom³¹. The Khmer Krom are ethnic Khmers living in southern Vietnam. They have long been victims of persecution and discrimination by the Vietnamese authorities.

Ven. Thach Prey Chea Khoeun, who was temporarily staying at Wat Orng Taming in Phnom Penh, had his passport and his monk identity card confiscated. Kim Van Chheng, a high-ranking official from the Ministry of Interior and a personal advisor to the Minister of Interior, also forced Ven. Thach Prey Chea Khoeun to sign a letter promising to stop writing or publishing the Prey Nokor News, because of the newspaper's publication of anti-government articles.

PORTRAIT: Ven. Loun Sovath, Persecuted for Documenting Human Rights Abuses

Ven. Loun Sovath is a Buddhist monk who has dedicated much of his time to producing videos documenting the human rights abuses he witnesses, particularly those related to land disputes. His powerful message and personal courage have earned him the well-deserved reputation as one of Cambodia's leading human rights defenders. On October 2, 2012, Ven. Sovath was awarded the 2012 Martin Ennals Award for Human Rights Defenders, perhaps the most prestigious human rights award in the world. He is the first Cambodian to win the award.

Pagoda Ban

Venerable Sovath first became involved in human rights work in 2009, when members of his family were injured during a violent eviction in Siem Reap province's Chi Kreng district. During a standoff with authorities, police fired shots at the unarmed villagers, injuring Sovath's brother and nephew. Some villagers videotaped the shooting, and Sovath himself filmed the aftermath.

Police claimed they fired shots in self-defense, but the videos showed otherwise. Local authorities attempted to intimidate Venerable Sovath into handing over the footage. But he didn't budge. Instead, he sent it to major human-rights NGOs in Cambodia. The contents caused a sensation: The video clearly contradicted the government's claim that the police acted in self-defense.

The power of video in Cambodia's fight for human rights was clear.

Since then, Venerable Sovath has crisscrossed the country from one land conflict to the next, documenting each step of the way. It has not been difficult to find hotspots: LICADHO research shows that some 2.1 million hectares of land has been given to private companies in the form of land concessions

³⁰ "Crackdown on Freedom of Expression: Man Sent to Jail after Sharing Website Material," a LICADHO Press Release, December 20, 2010, available at: <http://www.licadho-cambodia.org/pressrelease.php?perm=235>

³¹ "Freedom of Expression in Cambodia: The Illusion of Democracy," a LICADHO Report, *supra*, case study 33; See also: Unpublished LICADHO Monitoring Report: PP115TH10.

since 1993. The massive transfer has led to countless forced evictions and affected over 400,000 people in the 12 provinces that LICADHO monitors since 2003 alone.

As a result of his human rights activism, Ven. Loun Sovath has been banned from entering his own pagoda, Wat Ounalom, and other pagodas in and around Phnom Penh. Ven. Noun Ngeth, the Buddhist Supreme Patriarch in Phnom Penh, in an official letter, accused Ven. Sovath of causing villagers to think badly about Buddhism. The complicity of the Cambodian religious authorities is troubling.

Harassment & Intimidation

Ven. Loun Sovath was repeatedly targeted during the period covered by this report for his work with communities struggling to assert their rights during ongoing land disputes. In August 2010, during a peaceful gathering outside of the courthouse in Siem Reap in support of Chi Kreng community leaders, 40 monks arrived at the court to confront Ven. Loun Sovath. They accused him of violating Monk Proclamation No. 403/07, a 2007 order that prohibits Buddhist monks in Cambodia from creating or participating in demonstrations or strikes that harm security or public order. The monks were escorted by 20 police officers.

The monks had been ordered to stop Ven. Sovath from participating in the demonstration and, if he refused, to detain him. Despite his refusal to leave, Ven. Luon Sovath was not detained that day, thanks to the villagers who surrounded him, forming a human shield. Upon leaving in an NGO van, however, the traffic police intercepted Ven. Sovath and ordered that he be escorted to a local pagoda where religious authorities were waiting. Once again, the villagers surrounded Ven. Sovath, saving him from being taken off site.

Nonetheless, the intimidation and the threats did not stop there. On May 25, 2011, during a protest in Phnom Penh against the granting of land concessions in the Prey Lang forest, Ven. Loun Sovath was once again forced to flee the scene with the assistance of human rights groups as authorities threatened to arrest him.

Abduction & Detention

These threats culminated in May 2012. Ven. Loun Sovath was taking photos and documenting the demonstration in front of the courthouse where 13 Boeung Kak land rights activists were being questioned after being arrested two days earlier. Ven. Sovath was abducted by religious authorities who aggressively forced him into a waiting vehicle with the help of police. Ven. Sovath was then driven to Wat Botum where he was detained and questioned for approximately 10 hours by police and officials from the Ministry of Interior and the Ministry of Cults and Religion.

During the interrogation, all entrances to the pagoda were blocked and Ven. Sovath's phone was confiscated. Religious officials presented Ven. Sovath with documents showing that Cambodia's Minister of Justice, Ang Vong Vathana, had approved a request by the Phnom Penh Municipal Court to charge him with incitement under article 495 of the Penal Code. Ven. Sovath was given a choice: either sign a document promising to refrain from human rights activism, or face defrocking, arrest, and criminal prosecution. He refused to sign and was eventually released.



Ven. Loun Sovath speaks to supporters outside the trial of Mam Sonando on Sept. 11, 2012.

Ongoing Threats

Since his confinement and interrogation at Wat Botum, the threats against Ven. Sovath have not ceased. On June 5, a senior police officer delivered a veiled threat to a LICADHO staff during a demonstration on behalf of the imprisoned Boeung Kak lake activists. The officer asked whether Ven. Sovath was planning to attend the protest. After the LICADHO staff asked the officer why he was asking, the officer responded that they would need to prepare “the buffet.” There had apparently been a buffet lunch served at Wat Botum on the day of Ven. Sovath’s detention there.

On June 6, at 8:09 p.m., Ven. Sovath received a phone call from an unknown number. The caller repeatedly insulted him for approximately one minute. He concluded with “Stubborn asshole, why don’t you stop. Do you want to live, die, or be imprisoned?”

Review of 2009 Recommendations

The section below reviews the recommendations LICADHO made in its previous report, *Attacks & Threats Against Human Rights Defenders in Cambodia 2008-2009*³². As detailed below, the recommendations have largely been ignored:

- *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.*

No serious steps have been taken to combat the culture of impunity and corruption in Cambodia. To the contrary, government officials' complicity in threats and attacks against human rights defenders remained prevalent between 2010 and 2012. In the wake of the ever increasing incidents of land grabbing in Cambodia, governmental complicity in violence against human rights defenders has sharply increased. Moreover, known perpetrators of violence against human rights defenders have not been prosecuted adequately, if at all, and the authorities have repeatedly failed to conduct serious investigations into threats and attacks against human rights defenders. Numerous past incidents of violence and even killings remain unresolved.

- *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.*

The number of human rights defenders arrested and/or detained in the course of their activities has not decreased. Union leaders, community representatives in land disputes, NGO staff and even monks have been arrested and/or detained without having access to legal representation. Often they were not released until they agreed to thumbprint documents stating that they will no longer participate in human rights activism. Increasingly, the victims of land grabbing are arrested and detained without apparent reason or warrant. Moreover, the utilization of infamous Prey Speu, a government-run "Social Affairs" center, to lock away human rights defenders was a new, disturbing and unprecedented tactic that has emerged recently. LICADHO research indicates that Prey Speu is nothing more than an extra-judicial detention facility where conditions are often worse than in prisons. Human rights abuses are frequent. Such centers serve no legitimate purpose in a society that respects the rule of law and should be immediately closed. Additionally, judges continued to use court summons as a weapon of judicial intimidation. A pattern is quite evident: a private company embroiled in a land dispute files a false complaint against human rights defenders at the forefront of the conflict. The prosecuting judge then summons the activist for questioning, usually about accusations of incitement, destruction of property, defamation, or illegal occupation of land, but without pressing charges or issuing a warrant of arrest. The resulting uncertainty serves to intimidate and control human rights defenders, making them less likely to continue their work.

- *Allow peaceful protests to proceed unhindered by police obstruction or violence, as guaranteed by Cambodia's Constitution.*

Violent crackdowns on peaceful protests have not only continued, but have reached new highs during the period covered by this report. Police, military police, the RCAF and even district security guards have repeatedly used violence to disperse demonstrators. Human rights defenders have been targeted among crowds of demonstrators and brutally beaten by the armed military and police forces. And more disturbingly, numerous incidents involving the armed opening fire on peaceful civilians have been

³² "Attacks and Threats Against Human Rights Defenders in Cambodia 2008-2009," a LICADHO briefing paper, Sept. 2010, available at: <http://www.licadho-cambodia.org/reports/files/1432010-HRDRReport2008-2009Final-ENG.pdf>

reported in the past years, including the killing of an innocent 14-year-old girl during an eviction in Kratie province.

- *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.*

A number of cases involving human rights defenders between 2010 and 2012 have brought to light the close ties that persist between the judiciary and the executive branch. Politically-motivated verdicts have led to the convictions of innocent NGO staff, land rights activists, and union leaders. The two-year prison sentence given to Leang Sokchouen, a LICADHO employee, despite the lack of inculpatory evidence and the abundance of proof of his innocence, was a disturbing blow to the human rights community. Throughout 2010-2012, cases have repeatedly confirmed that Cambodia's judiciary is neither independent nor impartial. Very few, if any, concrete steps have been taken by the government to strengthen the judicial branch. There is, for example, still no law regulating the status of judges, as has been promised for several years.

- *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.*

The Anti-Corruption Act (ACA) came into force in August 2011. Numerous provisions of the law threaten freedom of expression and the work of human rights defenders more generally. To date, the law has not yet been used to silence human rights defenders, but its implementation has revealed that the law is used as a means to attack political rivals. Most disappointing, however, is the lack of political will to systematically implement the ACA. The government continues to turn a blind eye to allegations of corruption and extortion, especially with regards to government officials and military soldiers implicated in illegal logging.

- *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".*

Supervised release is still used as a way to intimidate and control human rights defenders who are charged. The courts have also increasingly used suspended sentences as a way to maintain control over human rights defenders without necessarily putting them in prison. Under this scheme, human rights defenders are released but still find themselves saddled with a criminal conviction and under the threat of a more serious sentence if they are arrested again.

Excessive use of pretrial detention has also been a concern between 2010 and 2012. Human rights defenders are too often kept in pretrial detention regardless of the provisions of the Code of Criminal procedure requiring that pretrial detention be used only in extraordinary circumstances.

- *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.*

The government released four drafts of the proposed Law on Associations and Non-governmental Organizations (LANGO) since the publication of LICADHO's last HRD report. All were harshly criticized both domestically and internationally. In December 2011, after presenting a fourth draft, the government announced that further consultation with civil society would be organized; the targeted implementation date for the law was pushed back to 2014 or later. LICADHO commends this development. Nonetheless, at least one other upcoming law looks to be of great concern for human rights defenders. The Cyber Law – which is rumored to be in the late drafting stages, but has not been publicly released – raises serious concerns about government censorship of the Internet, a tool that has proven increasingly useful for human rights defenders.

Recommendations

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

- Revise the new Penal Code to ensure that it respects the Constitution of the Kingdom of Cambodia and the obligations vis-à-vis the international human rights treaties Cambodia has ratified. In particular, broad and vague provisions, especially incitement, and all provisions that impact freedom of speech, such as defamation and insult, should be revised to ensure that they do not impede freedom of speech nor allow for the arbitrary arrest of human rights defenders.
- Implement the recommendations made by successive UN Special Rapporteurs on Human Rights in Cambodia with regard to strengthening the rule of law and the judiciary. This should include taking effective action to improve the independence and impartiality of the judiciary. Call for the judiciary to uphold its independence in all cases, but in particular for those involving human rights defenders.
- Conduct serious investigations into threats and attacks against human rights defenders. Combat notorious impunity and corruption by prosecuting perpetrators to the full extent of law. Specifically, LICADHO demands serious and thorough inquiries into the killings of Chut Wutty and Heng Chantha as well as the prosecution of Chhouk Bandith to the fullest extent and in accordance with the provisions of the Penal Code and the Code of Criminal Procedure.
- Stop unwarranted crackdowns on civil society organizations, labor unions and communities protesting to protect their fundamental rights. Stop the use of lethal force against peaceful demonstrations and allow all peaceful protests to proceed unhindered by police obstruction or violence. Stop violence and illegal arrests targeted at community representatives during peaceful demonstrations.
- End the secrecy surrounding the Cyber Law and publicly release a draft, so that meaningful consultation can take place with civil society and the public. More generally, guarantee the timely release of all draft laws for review and comments by all interested actors.
- Ensure proper protection for journalistic work. Ensure the Press Law instead of the Penal Code is used in court cases involving journalists in order to uphold the Cambodian Constitution's guarantee of freedom of expression. Halt all acts of censorship targeted at journalists.
- Ratify the First Optional Protocol of the ICCPR as promised during the UPR process. The First Optional Protocol establishes an individual complaint mechanism. Under this Optional Protocol, the UN Human Rights Committee is given jurisdiction to consider complaints from individuals or groups who claim their rights under the ICCPR have been violated by a State Party to the Covenant.

Annex 1: Threats Against HRDs (Jan–Dec 2010)

12 January 2010

Case 1

[See also Cases 40, 94, & 125]

JUDICIAL INTIMIDATION OF HUMAN RIGHTS NGO STAFF¹

Ratanakiri

- Judge Thor Saran from the Ratanakiri provincial court threatened to summon ADHOC provincial coordinator, Pen Bonnar, and ADHOC investigator, Chhai Ty, for questioning related to accusations of incitement. The case stems from an incident in 2007 when villagers clashed with authorities during a protest against a land dispute with the well-connected DM Group. Authorities claim that Pen Bonnar incited the villagers.
- The year before, provincial court judge Thor Saran forced the departure of Pen Bonnar from Ratanakiri by telling the activists that he would face incitement charges if he did not leave the province.

15 January 2010

Case 2

JUDICIAL INTIMIDATION OF MARKET VENDOR REPRESENTATIVE²

Satv Pong Commune, Chhuk district, Kampot

- Vendor representative, Vuoch Bou, was summoned by the provincial court on accusations of defamation after 313 vendors working at the Chhuk Market. The summons came after the vendors filed a complaint to prevent Ouk Narin Company from seizing land near the market.

9 February 2010

Case 3

JUDICIAL INTIMIDATION OF JOURNALIST AND HUMAN RIGHTS ACTIVISTS³

Takeo Provincial Court

- *Radio Free Asia* Reporter Sok Serey and two CCHR activists, Cheab Chiev and Khoem Sarum, were charged with criminal disinformation and destruction of property following the broadcast on RFA of a report on the alleged mishandling of funds by local Muslim leaders. Community leaders Ny San and Seb Sein were also charged.
- The case stems from a 2007 petition, thumbprinted by 206 families from Kampong Yol village, Borei Cholsar district, demanding new elections to choose leaders for the local Cham community. The villagers accused a committee of three people, including Riem Math, the local imam, of misappropriating \$2,500 in donations.
- On February 9, the Takeo Provincial Court found one villager, Ny San, guilty of destruction of property and sentenced him to five months imprisonment and a fine of one million riels, but acquitted the others.

1 March 2010

Case 4

JOURNALIST INVESTIGATING ILLEGAL GAMBLING SEVERELY BEATEN⁴

Kbal Spean Village, Poipet District, Banteay Meanchey

- *Raksmey Kampuchea* Journalist Vong Tho was severely beaten by three individuals, including Ngem Trem, a RCAF soldier, as he was investigating illegal gambling.
- The attackers wanted to prevent the publication of a story detailing their alleged involvement in an illegal gambling ring.
- The suspects were later arrested by the police and held for one month in pre-trial detention.
- Vong Tho withdrew his complaint after receiving a letter of apology and the payment of an unknown amount from Ngem Trem and his family.

¹ Clancy McGilligan and Kuch Naren, "Court to Summon R'kiri Land-Rights Activist" *The Cambodia Daily*, January 12, 2010, updated January 14, 2010.

² Unpublished LICADHO Monitoring Report: KP006SC10

³ Eang Mengleng "RFA Report, 2 Activists Tried for Disinformation in Takeo," *The Cambodia Daily*, February 10, 2010; See also: Chhom Chansy "Report, Activists Acquitted of Disinformation," *The Cambodia Daily*, February 20–21, 2010.

⁴ Unpublished LICADHO Monitoring Report: BM041PA10; See also: "Freedom of Expression in Cambodia: The Illusion of Democracy," a LICADHO Report December 2010, case study 27.

11 March 2010

Case 5

*[See also Cases 30 & 106]***JUDICIAL INTIMIDATION OF VILLAGERS IN LAND DISPUTE⁵*****Omlaing Commune, Thpong District, Kompong Speu***

- Eight villagers, two women and six men aged between 22 and 60 years old, were questioned at the Kompong Speu Provincial Court over allegations of destruction of property related to a land dispute involving a company owned by CPP Senator and the tycoon Ly Yong Phat.
- The senator accused the villagers of being “ringleaders” responsible for encouraging villagers to resist their forceful eviction to make way for a 20,000-hectare sugar cane plantation.

8 April 2010

Case 6

ILLEGAL ARREST AND DETENTION DURING LAND PROTEST⁶***Preah Phose Commune, Koas Kralor District, Battambang***

- Chan Hoeur, a representative from a community involved in a land dispute, was charged with theft and provisionally detained by the Battambang Provincial Court.
- The charges against Chan Hoeur resulted from a complaint filed by RCAF soldier Lim Tea Leang and businessmen Hem Hoeun and Uon Kun, who claim ownership over 150 hectares of land that 38 families have been farming for decades.

8 April 2010

Case 7

JOURNALIST HARRASSED AFTER PHOTOGRAPHING CORRUPTION⁷***Siem Reap***

- *Sthabna Cheat Khmer* journalist, Keng Phon, was summoned to appear in court after trying to take photos of two Forestry Administration officials accepting bribes.
- In March 2010, Keng Phon attempted to take pictures of the forestry officials who accepted 40,000 riel bribes from three carts carrying timber illegally out of the Kampong Kleng commune. When he tried to question them, the officials detained him and deleted all his pictures. Later, they filed an unspecified complaint in court against Keng Phon.

21 April 2010

Case 8

*[See also Cases 10 & 16]***ATTEMPTED KILLING OF LAND RIGHTS ACTIVIST⁸*****Chamlang Romeang Leu Village, O Samrei Commune, Samlot District, Battambang***

- Two unidentified soldiers fired eight shots at community activist Sim Mey in relation to an ongoing land dispute with local military officials. To this day, no one has been arrested.

23 April 2010

Case 9

ATTEMPTED KILLING OF LAND RIGHTS ACTIVIST⁹***Santepheap Village, Boeung Beng Commune, Malai District, Banteay Meanchey***

- Community activist Nou Leng and her husband, Im Kimsan, were victims of an attempted killing by a group of 50 people led by Santepheap village chief Sear Houy.
- The group destroyed and burned villagers’ homes to grab land and sell it. Nou Leng’s left hand was seriously injured in the attack, while her husband sustained head injuries.

26 April 2010

Case 10

*[See also Case 8]***LAND RIGHTS ACTIVIST KILLED¹⁰*****Chamlang Romeang Leu Village, Samrei Commune, Samlot District, Battambang***

- Community representative Pich Sophon was killed after being shot at least four times with AK-47 rifles by three unknown individuals.
- At the time of his death, Pich Sophon was on his way to collect thumbprints for a petition in support of fellow

⁵ Kuch Naren, “K Speu Villagers Questioned Over Eviction Protest” *The Cambodia Daily*, March 12, 2010.

⁶ Kuch Naren, “B’bang Villagers Protest Detention of Representative” *The Cambodia Daily*, April 8, 2010.

⁷ “Freedom of Expression in Cambodia: The Illusion of Democracy,” a LICADHO Report, December 2010, Case study 28; *See also*: May Titthara, “Journalist summoned to court over photos,” *The Phnom Penh Post*, April 8, 2010; Rann Reuy, “Siem Reap report testifies,” *The Phnom Penh Post*, April 9, 2010.

⁸ Unpublished LICADHO Monitoring Report : BB029AK10

⁹ Unpublished LICADHO Monitoring Report : BM055AK10

¹⁰ Unpublished LICADHO Monitoring Report : BB035K10; *See also*: “Freedom of Expression in Cambodia: The Illusion of Democracy,” *supra*, case study 26.

3 May 2010

Case 11

[See also Case 15]

- community representative, Sim Mey, who had been victim of an attempted killing earlier in April 2010
- Pich Sophon was an active land rights activist. In addition to organizing the petition for Sim Mey, he had prevented excavators from clearing land, provided his house for community meetings and was the only witness to speak to the police about the attempted killing of Sim Mey.
 - No arrests have been made in the killing to date.

VILLAGE REPRESENTATIVE ARRESTED AFTER LEADING PROTEST¹¹***Tras Commune, Romeas Hek District, Svay Rieng***

- Village representative Yea Yeoung was arrested one day after leading 100 residents to a gathering in front of the Peam Chaing Rubber Company, owned by the tycoon An Mady, in an effort to convince the company to reopen a road that had been cut off for five days.
- The district police chief, Chum Ry, accused Yea Yeoung of threatening a military police officer during the protest.
- The villagers accuse the company of infringing on the cassava and cashew plantations of about 400 families. A complaint was filed with the district governor against the company in December 2009, but no response was received.

5 May 2010

Case 12

*[See also Case 90]***THREATS, HARASSMENT & INTIMIDATION OF COMMUNITY REPRESENTATIVES¹²*****Chey Sena Village, Ta Kaen Commune, Chhuk District, Kampot***

- Six community representatives - Chean Min, Rum Nak, Mach Nheuk, Mom Nut, Souen Sun and Kat Team - were threatened by Hengyong Phak company representatives Tith Sok, Sovanna and Tob Virak who accused the victims of violating and destroying private property in relation to an ongoing land dispute.
- On October 20, 2011, the provincial court summoned the six community representatives for questioning regarding the allegations.

7 May 2010

Case 13

ILLEGAL ARREST AND DETENTION OF COMMUNITY ACTIVIST¹³***Koy Veng Village, Preah Phos Commune, Koas Krolar District, Battambang***

- Community representative Chan Hoen was detained at the Battambang provincial prison after being accused of destruction of private property following a complaint by military commander Lim Tealeng and his soldiers.
- Chan Hoen had been representing 38 families entangled in a land dispute with members of the military.

14 May 2010

Case 14

OBSTRUCTION OF FREEDOM OF ASSEMBLY AND HARASSMENT¹⁴***Boeing Smok Village, Svay Sa Commune, Krakor District, Pursat Province***

- Community Peace-Building Network (CPN) members Kuch Veng and Loun Sivy were prevented from holding a meeting in a private home by commune police chief Khloem Yon commune chief Hong Thang and six other council members.
- The authorities accused them of being opposition party members.

24 May 2010

Case 15

*[See also Case 11]***POLICE BLOCK VILLAGERS GOING TO REPRESENTATIVE'S COURT HEARING¹⁵*****Romeas Haek District, Svay Rieng***

- Some 50 villagers made their way to the provincial court in Svay Rieng to demand the release of their community leader from pretrial detention.
- The villagers were involved in a land dispute with An Mady Group's Peam Chaing Rubber Company since 2007. The community leader was detained following years of threats and intimidation from local authorities.

¹¹ May Titthara "Land Dispute: Villagers in Svay Rieng Demonstrate," *The Phnom Penh Post*, May 4, 2010; See also: <http://ki-media.blogspot.com/2010/05/land-dispute-villagers-in-svay-rieng.html>

¹² Unpublished LICADHO Monitoring Report: KP031TH10.

¹³ Unpublished LICADHO Monitoring Report: BB0361AD10.

¹⁴ Unpublished LICADHO Monitoring Report: PS016TH10.

¹⁵ "Freedom of Expression in Cambodia: The Illusion of Democracy," *supra*, case study 3.

26 May 2010

Case 16

[See also Case 8]

- The initial group of 50 villagers, led by a Buddhist monk, was stopped by military police at a bridge in Kampong Trach district. Authorities forced the monk to thumbprint a document promising he would not lead such a march again. The group was then allowed to proceed.
- Later, a second group of villagers started walking toward the courthouse. They were stopped and harassed by authorities at a second roadblock. Ultimately an estimated 200 villagers made it to the courthouse.

ILLEGAL ARREST AND DETENTION OF LAND RIGHTS ACTIVISTS¹⁶***O Chamlong Romang Loeu Village, O Samrei Commune, Smlot District, Battambang***

- Community representatives Sim Mey and Mai Ny were summoned for questioning by Battambang investigating judge Saoeun Kaosalmony. The summons was in relation to an ongoing land dispute with members of the military.
- The community representatives were accused in a criminal complaint of destroying private property and burning a tractor. The representatives deny the allegation and claim they were receiving medical treatment on the day of the alleged events. About 100 villagers and human rights workers also testified that the accused were not present on that day.
- Mai Ny was released after the court questioning, but Sim Mey was arrested and sent to pretrial detention at Battambang provincial prison.

26 May 2010

Case 17

*[See also Case 41]***VIOLENT POLICE CRACKDOWN ON PEACEFUL PROTEST¹⁷*****Kampong Samnanh Commune, Ta Khmau District, Kandal***

- Some 100 demonstrators, representing 292 families entangled in a longstanding land dispute with Heng Development Company, were violently dispersed by 72 Daun Penh district police and military police officers during a protest in front of Prime Minister Hun Sen's house.

30 May 2010

Case 18

*[See also Cases 38 & 79]***LICADHO STAFF ARRESTED & CHARGED WITH DISINFORMATION¹⁸*****Sen Sok District, Phnom Penh***

- LICADHO employee Leang Sokchouen was arrested on charges of disinformation for his alleged involvement in the distribution of pamphlets related to the January 7 Liberation Day holiday. The arrest warrant actually named another person, but police arrested Sokchoeun anyway.
- Following his arrest, Leang Sokchouen was detained without access to his family or his lawyer and was only allowed a 25-minute meeting with his lawyers prior to being sent to pretrial detention at Takeo provincial prison.
- While in police custody, Leang Sokchouen was subject to interrogation methods which included threats and false promises of leniency with the aim of extracting a confession.

12 June 2010

Case 19

AUTHORITIES CRACK DOWN ON PEACEFUL LAND RIGHTS GATHERING¹⁹***Memot District, Kampong Cham***

- District authorities sought to prevent a group of about 100 villagers from travelling to Phnom Penh to bring attention to their longstanding land dispute with a military officer.
- To avoid detection, the group departed in several small groups in the middle of the night. About 100 villagers made it to Phnom Penh, while the rest of the group was stopped by the authorities.
- Two days after their arrival in Phnom Penh, the Daun Penh district authorities forcibly removed the villagers from their protest site and told them to return home.

¹⁶ Unpublished LICADHO Monitoring Report: BB0451AD10.¹⁷ Unpublished LICADHO Monitoring Report: PP0630FEA10.¹⁸ Saing Soenthrith, "Rights Group Worker Arrested for Spreading 'Disinformation,'" *The Cambodia Daily*, May 31, 2010.¹⁹ "Freedom of Expression in Cambodia: The Illusion of Democracy," *supra*, case study 6.

15 June 2010

Case 20

*[See also Cases 75 & 114 re Ven. Luon Sovath]***LAND PROTEST BLOCKED BY POLICE²⁰*****Phnom Penh***

- Cambodia Peace-Building Network (CPN) organized a protest involving about 350 representatives whose communities were involved in land disputes across the country. The land disputes all involved companies that had received economic land concessions from the government. CPN is a grassroots organization that aims to draw attention to land disputes.
- Demonstrators planned to walk from Wat Botum pagoda to Hun Sen's house near the Independence Monument. However, military and municipal police armed with batons, shields, tear gas rifles and pistols blocked the way.
- During the assembly, Buddhist monk Luon Sovath was harassed by the authorities for taking photographs. The police accused him of not being a real monk and confiscated his photos.
- A representative from the Prime Minister's office ultimately accepted the three boxes of petitions and asked the representatives to return home. Later, PM Hun Sen called Cambodian human rights groups, "shadowy organizations" and accused them of organizing the march.

8 July 2010

Case 21

ACTIVIST THREATENED FOR PLANNING LAND RIGHTS TRAINING²¹***Souphi Commune, O Chroy District, Banteay Meanchey***

- An Sily, a CPN member and O Chroy district Human Rights Party chief, was threatened by district office chief Khatt Saran and Souphi commune police chief Phatt Nhanh after requesting to conduct a community training on land protection.
- The authorities told him on multiple occasions that district governor "wanted to meet him" but would not give him a time or place for the meeting. An Sily said he felt threatened, and feared that he would be arrested if he met the district governor.

9 July 2010

Case 22

JOURNALISTS INVESTIGATING ILLEGAL LOGGING RECEIVE DEATH THREATS²²***Kratie***

- A military police officer in Kratie Province threatened to kill two journalists after they took photographs of an allegedly illegal logging operation.
- The journalists, Mr. Ork Ngon and Mr. Thon Sok Kong, identified the officer as Chea Saing Hong.
- The journalists claim that following their investigation, the officer and his colleagues came into their office, punched Thon Sok Kong in the face, and threatened that they would "disappear" if they continued their investigation. The group later returned and threw rocks at the journalists' office, destroying some equipment.

9-10 July 2010

Case 23

ADHOC STAFF RECEIVES THREATENING PHONE CALLS²³***Poipet Commune, Poipet District, Banteay Meanchey***

- ADHOC staffer, Khiev Boray received threatening and intimidating phone calls from Soy Soakhorn, the chief of the Mong Chin Pagoda committee. The calls came after Khiev Boray and two journalists – Paov Huon from the Sachak Cambodia newspaper and Cham Pech from Meantuphum newspaper – questioned the chief about the destruction of the pagoda compound.
- On May 21, 2010, Khiev Boray and his two Khmer local journalists had gone to see the temple in question after hearing that an ancient tomb inside the temple was being destroyed.

²⁰ "Freedom of Expression in Cambodia: The Illusion of Democracy," *supra*, case study 7.

²¹ Unpublished LICADHO Monitoring Report: BM088TH10.

²² "Freedom of Expression in Cambodia: The Illusion of Democracy," *supra*, case study 29.

²³ Unpublished LICADHO Monitoring Report: BM092TH10; *See also*: Radio Free Asia, "ADHOC's activist received telephone death threat from Head of Poipet Temple Committee," July 15, 2010 Radio News (Khmer).

13 July 2010

Case 24

FIVE DISABLED VETERANS ARRESTED AFTER LAND DEMONSTRATION²⁴***Daun Penh District, Phnom Penh***

- Some 160 protesters gathered outside Hun Sen's Phnom Penh villa to demand that the government follow through on a 4,000-hectare land concession promised to 620 families in Kratie Province. The families are all headed by disabled military veterans. Local officials said in April that the land was going to private companies instead.
- Government representatives took thumbprints from the protesters and vowed to resolve the issue, which convinced the men to leave. But five men were arrested as they were making their way home.
- A representative from the NGO ADHOC said that police threatened villagers to stop their protests before apparently releasing them.
- On August 30, two more veterans were arrested at their village in Kratie. They were charged with "threatening wildlife officials," and placed in pretrial detention pending an investigation.
- The complaint alleged that the two men were "ringleaders and incited about 500 people to grab land".

15 July 2010

Case 25

MINISTRY OF INTERIOR OBSTRUCTS FREEDOM OF ASSEMBLY & EXPRESSION²⁵***Phnom Penh***

- The Ministry of Interior withheld the authorization for a nationalist rally planned by the Cambodia Watchdog Council (CWC).
- The rally was to be held in front of Wat Botum and was intended to denounce the Thai interference at the disputed Preah Vihear temple.
- The rally occurred despite the lack of authorization, but 150 soldiers and police officers – outnumbering the protesters – forced the gathering to disperse and relocate. The ceremony was moved to a private office in Chamkarmon district, but remained under heavy police supervision.

16 July 2010

Case 26

COMMUNITY REPRESENTATIVES WRONGFULLY ACCUSED OF EXTORTION²⁶***Anganh Village, Seem Leu Commune, Siem Reap District, Siem Reap***

- Village chief Ngok Ky and community representative Sar Samol were arrested, charged with fraud and placed in pretrial detention in the Siem Reap provincial prison.
- The court had issued a warrant of arrest based on a complaint filed by the Krek Rubber Plantation Company.
- The representatives were accused of deceiving villagers by asking them for money to travel to Phnom Penh to raise awareness about the ongoing land dispute between 365 families and Krek Rubber Company.

25 July 2010

Case 27

PEACEFUL LABOR DEMONSTRATION OBSTRUCTED BY AUTHORITIES²⁷***Tonle Bassac Commune, Chamkar Mon District, Phnom Penh***

- Some 200 mixed police and military police officers obstructed a peaceful gathering in front of Wat Botum (and later the National Assembly) of 4,500 labor union members demanding salary increases.
- On July 21, 2010, the Phnom Penh municipal authorities had denied the request issued by the Cambodian Labor Confederation (CLC) and the Cambodian National Confederation (CNC) to conduct the protest on the basis that it would affect public order, threaten public safety and cause damage to public property. The denial was rescinded at the last minute, and in spite of the roadblocks and other police strategies to prevent demonstrators from gathering, there were no reports of property damage or disruptions to public order.

²⁴ Unpublished LICADHO Monitoring Report: PP0820FEA10; See also: "Freedom of Expression in Cambodia: The Illusion of Democracy," *supra*, case study 9.

²⁵ *Ibid.*, case study 8.

²⁶ Unpublished LICADHO Monitoring Report: SP0231AD10.

²⁷ Unpublished LICADHO Monitoring Report: PP0840FEA10; See also: "Freedom of Expression in Cambodia: The Illusion of Democracy," *supra*, case study 10.

25 July 2010

Case 28

JOURNALIST PROSECUTED FOR REPORTING ON UNIVERSITY CORRUPTION²⁸***Phnom Penh***

- *Khmer Amatak* editor Bun Tha was illegally arrested, detained and charged with disinformation and defamation after publishing a story alleging corruption in the award of scholarships at the University of Cambodia.
- In 2009, the newspaper had reported that university officials were charging students 20,000–25,000 riels for a scholarship application forms that cost only 500 riels to produce. The scholarship was sponsored by the Japanese government and Prime Minister Hun Sen.
- Dr. Kao Kim Hourn, the President of the University (who also serves as Secretary of State at the Ministry of Foreign Affairs), sued Bun Tha for defamation, requesting US \$100,000 in compensation. Bun Tha also faced criminal disinformation charges, which carries a prison term.

27 July 2010

Case 29

GARMENT WORKERS INJURED DURING POLICE DISRUPTION OF STRIKE²⁹***Teuk Tla Commune, Sen Sok District, Phnom Penh Municipality***

- Nine PCCS female garment factory workers were injured during a strike to demand the reinstatement of fired female union leader Mon Channa.
- Some 50 district police officers armed with electric batons and shields violently dispersed the gathering on the orders of district police chief Mok Hong, who directed them to enforce a court order to clear roads and force the women back to work.

27 July 2010

Case 30

*[See also Cases 5 & 106]***VILLAGERS IN LAND DISPUTE FACE CRIMINAL CHARGES³⁰*****O Angkum Village, Omlaing Commune, Thpong District, Kampong Speu***

- Eight villagers were accused by the provincial court of an attempted killing and the violation of private property in relation to a protest held on November 11, 2008. The protest was organized to stop HLH Cambodia company from clearing the villagers' rice fields. The Prime Minister's sister is a shareholder in the company.
- The villagers have been entangled in a land dispute with HLH Cambodia after the military special region commander Prum Dim and chief of staff Peang Savin sold 1,856 hectares of land used by 817 families to the company to plant red corn.

6 August 2010

Case 31

*[See also Cases 83 & 93]***COMMUNITY REPRESENTATIVES ARRESTED IN RELATION TO LAND DISPUTE³¹*****Tbeng Lech Village, Tbeng Commune, Banteay Srei District, Siem Reap***

- Three community representatives were arrested and later released after a protest in support of 105 families involved in a land dispute with the provincial forestry administration department.

8 August 2010

Case 32

*[See also Cases 34 & 97]***POLICE BREAK UP GATHERING IN FRONT OF PM'S HOUSE³²*****Tonle Bassac Commune, Chamkar Mon District, Phnom Penh***

- Seventy villagers, representing 415 families at risk of losing their land in Battambang, were threatened and prevented from assembling in front of Hun Sen's villa in Phnom Penh by a mixed group of 100 military police officers, police officers and district security staff.
- The protesters, including children, were forcibly dragged into buses and sent back to Battambang.
- The peaceful gathering was organized to raise awareness about a longstanding land dispute between villagers and local authorities, including members of the RCAF in Doun Ba commune, Kos Krolor district, Battambang.

²⁸ LICADHO Report "Freedom of Expression in Cambodia: The Illusion of Democracy" December 2010, case study 22.

²⁹ Unpublished LICADHO Monitoring Report: PPO850FEA10 ; See also : LICADHO Report "Freedom of Expression in Cambodia : The Illusion of Democracy" December 2010, case study 11.

³⁰ Unpublished LICADHO Monitoring Report: KS022LG10.

³¹ Unpublished LICADHO Monitoring Report: SP029LG10.

³² Unpublished LICADHO Monitoring Report: PPO910FEA10 ; See also : Unpublished LICADHO Monitoring Report : PPO850FEA10 ; See also : LICADHO Report "Freedom of Expression in Cambodia : The Illusion of Democracy" December 2010, case study 12.

11 August 2010

Case 33

ARREST AND DETENTION OF COMMUNITY REPRESENTATIVE³³***Leab Tong Village, Trea Commune, Stoung District, Kampong Thom***

- Female community representative Nat Lem was arrested by a group of 11 district police officers after she gathered thumbprints for a petition regarding an ongoing land dispute with businessman Heng Sornthay. She was placed in pretrial detention in the Kampong Thom provincial prison.

12 August 2010

Case 34

*[See also Cases 32 & 96]***COMMUNITY REPRESENTATIVES ESCAPE TO JUNGLE³⁴*****Daun Bar Commune, Koas Krolor District, Battambang***

- Three community representatives escaped into the forest after their houses were surrounded by the district police authorities, who threatened to arrest them.
- The Provincial Court had issued an arrest warrant for the three accusing them of “robbery and destruction of public property”. There is no basis for this accusation.
- The community is involved in a land dispute with military police officer Long Sitha, which started after the officer received a 1,672-hectare land concession from the government to develop a rubber plantation.

19-26 August 2010

Case 35

AUTHORITIES CRACK DOWN ON STRIKING WORKERS³⁵***Meanchey District, Phnom Penh***

- At least 160 garment workers from the Sunly Fong factory walked out of work on August 19, 2010, to demand improved working conditions.
- Four days into the protest and prior to the issuance of the court order, the police warned the protesters that their security could not be “guaranteed” if the strike continued. Nonetheless, the strike continued until August 26, when the authorities presented a court order declaring the strike illegal and ordering the employees back to work. The order also gave the factory the permission to fire the union organizers responsible for the strike.
- Three union leaders – Ien Pov, Heng Bora and Nun Chamnan – later faced criminal charges of incitement and destruction of private property.

23 August 2010

Case 36

*[See also Cases 51, 67, 69, 70, 78, 91, 92, 99, 114, 115 & 122]***POLICE OBSTRUCT MEETING OF RESIDENTS FACING EVICTION IN BKL³⁶*****Phnom Penh***

- About 200 municipal police officers broke up a meeting of Boeung Kak Lake residents who had gathered to discuss the environmental impact of developing the lake.
- The meeting was planned to take place at the National Training Institute compound, next to the Prime Minister’s residence. The obstruction was justified by Chief of Municipal Police Touch Naruth in the name of “public order”.
- In protest, about 100 residents gathered at the Independence Monument where they were met by mixed armed forces with riot gear, batons and assault rifles.

26 August 2010

Case 37

KHMER KROM MONK THREATENED OVER PUBLICATION OF NEWSPAPER³⁷***Phnom Penh***

- Ven. Thach Prey Chea Khoeun, a Khmer Krom Buddhist Monk, was threatened by a chief monk and a representative of the Ministry of Interior over his involvement in the publication of *Prey Nokor*, a Khmer Krom newspaper. His passport was also confiscated by the chief monk.

³³ Unpublished LICADHO Monitoring Report: KT0501AD10.

³⁴ Chea Vong Sokhearith “Representative of Kos Krolor ran into a jungle again” *Phnom Penh Post*, 20 August 2010.

³⁵ LICADHO Report “Freedom of Expression in Cambodia: The Illusion of Democracy” December 2010, case study 14.

³⁶ LICADHO Report “Freedom of Expression in Cambodia: The Illusion of Democracy” December 2010, case study 15.

³⁷ LICADHO Report “Freedom of Expression in Cambodia: The Illusion of Democracy” December 2010, case study 33; See also : Unpublished LICADHO Monitoring Report : PP115THI10

30 August 2010

Case 38

[See also Cases 18 & 79]

- Prior to the threat, authorities confiscated copies of the newspaper being sold by vendors in Phnom Penh.

LICADHO STAFF CONVICTED OF DISINFORMATION AFTER SHOW TRIAL³⁸***Phnom Penh***

- Leang Sokchouen, a LICADHO employee was convicted of disinformation and sentenced to two years in prison.
- Sokchouen was accused of distributing anti-government fliers in Takeo Province on January 4, 2010. Despite the lack of evidence and numerous trial irregularities, Sokchouen was found guilty of disinformation in a politically-motivated decision that had no basis in fact or law.

6 September 2010

Case 39

VILLAGERS CHARGED WITH INCITEMENT OVER PROTEST³⁹***Choam Ksan District, Preah Vihear***

- Three villagers, Srey Sophon, Sath Vooun and Kim Sophal, were placed in pretrial detention and charged with disinformation, forgery and inciting protests against the Drug and AIDS Research and Prevention Organization (DARPO) after gathering thumbprints for a complaint that was submitted to the Ministry of Interior.
- DARPO – headed by a military general – is an NGO that received a 556-hectare land concession, ostensibly to aid families in the region, but villagers and other NGOs claim that DARPO has forcefully evicted families living on the disputed land under fear of threats, rape and torture.
- During a press conference in Phnom Penh, a villager accused a DARPO security guard of raping her 13-year-old daughter in 2007 and said unidentified men beat her after she filed the complaint on May 20, 2010.

7 September 2010

Case 40

*[See also Cases 1, 94 & 125]***VILLAGERS SUMMONED TO COURT REGARDING LAND CASE⁴⁰*****Lumphat District, Ratanakiri***

- Ten ethnic minority Tampuan villagers involved in a land dispute with DM Group were summoned to court for questioning on allegations they attacked police during a brawl in November 2007. In that incident, 20 police officers clashed with 40 Tampuan villagers, who were attempting to free two detained village representatives.
- ADHOC staff member Pen Bonnar was threatened with charges in the same case, for allegedly “inciting” the villagers.
- Four more villagers, Sven Vev, Yang Thang, Nit Than and Shay Khammear, were also summoned for questioning to determine if they violated their bail conditions. The four men had already spent half a year in provisional detention on charges of trespassing and property destruction for removing rubber trees planted by DM Group on disputed land. They were conditionally released in July 2009.

7 September 2010

Case 41

*[See also Case 17]***VILLAGER LEADER ARRESTED OVER LAND PROTEST⁴¹*****Stung District, Kandal***

- Community representative Vorn Vin was arrested and charged with illegal occupation of land and inciting violence after leading demonstrations against Heng Development, a company that was awarded a 150-hectare plot in 2005 and subsequently displaced 192 families. The company had filed a complaint against Vorn Vin in November 2009.

13 September 2010

Case 42

ILLEGAL ARREST AND DETENTION OF UNION LEADERS DURING STRIKE⁴²***Tnaot 1 Daeum Village, Baek Cham Commune, Angk Snuol District, Kandal***

- Darong factory union deputy chief Sat Vichika and Tia Yang factory union chief Loeng Thim were arrested and detained by district police for two hours after leading a legal strike demanding salary increases.

³⁸ LICADHO Press Release “LICADHO Staff Convicted of Disinformation after a Show Trial” 2 September 2010, <http://www.licadho-cambodia.org/pressrelease.php?perm=226>

³⁹ LICADHO Report “Freedom of Expression in Cambodia: The Illusion of Democracy” December 2010, case study 23.

⁴⁰ Kuch Naren “R’Kiri Court to Question 10 Villagers in Land Case” *The Cambodia Daily*, 7 September 2010.

⁴¹ Neou Vannarin “Villagers Protest Land Dispute Leader’s Arrest” *The Cambodia Daily*, 8 September 2010.

⁴² Unpublished LICADHO Monitoring Report: KS0270FEA10.

15 September 2010

Cases 43/44/45

- Loeng Thim, along with two other union members, was not allowed back to work after the incident.

UNION LEADERS THREATENED WITH ARREST BY POLICE CHIEF⁴³***Tnaot Chrum Village, Boeung Tumpun Commune, Meanchey District, Phnom Penh***

- On September 13, some 60,000 workers – led by the nine union reps – walked out of work in a bid to increase the minimum wage. The walkout came in response to the government’s decision in July to raise the minimum wage to US \$61 per month, which was a US \$5 increase, but far below the minimum living wage recommended by independent experts. Most unions were seeking a raise to US \$93 per month. Union leaders informed factories and the government of their plans more than two months in advance.
- Nine union representatives, including At Thun, Mom Nhoem and Moeun Tola, were threatened with arrest during the strike. Municipal police chief Touch Naroath accused them of inciting workers to strike.
- The strike was scheduled to last five days, but union leaders called it off on September 16 after the Ministry of Social Affairs invited employers and union representatives to meet on September 27 to discuss “benefits” on top of the minimum wage.
- The protests were largely peaceful, but at least two workers were injured – a 28-year-old female employee of the Top World Factory in Kandal province, and a 29-year-old male employee and union official from Kbal Koh factory in Kandal. The latter was also arrested.
- Workers returned to their factories the next day, only to find that hundreds of union organizers had been suspended from their jobs. Factory owners had deemed the strike “illegal”.
- The union suspensions were backed by court-orders. In the initial wave of suspensions, at least six different Cambodian judges issued orders authorizing factory owners to suspend nearly 200 union representatives. The orders were issued just after union leaders peacefully negotiated an early end to their strike.
- At least 10 factories also filed lawsuits against the unions, requesting compensation for lost revenues, estimated at US \$14 million.
- This turn of events prompted a second walkout from thousands of workers, who demanded that union leaders be allowed back to work.
- Factories also obtained court orders declaring the second strike illegal and requiring workers to return to their jobs or face termination. By September 21, thousands of workers had flouted the order. They were given 48 hours to return to work or face termination.

Threats and intimidation

- Police used force to crack down on the second wave of strikes. On September 18, 12 workers were injured in clashes with police outside factories in Phnom Penh and Kandal province. One female employee of the River Rich factory was hospitalized with heart problems after police hit her with an electric baton.
- Following the strikes, at least three labor leaders claim they received threats via phone and SMS. They also claim they were harassed and followed by unidentified men on motorbikes.

Moving toward a resolution

- At the September 27 meeting proposed by the Ministry of Social Affairs, the government called upon factories to reinstate suspended employees and drop legal charges in exchange for the unions promising not to strike. The unions agreed to this in principle.
- Subsequently 3,000 garment-workers in Kandal were fired for their participation in the second wave of strikes, though most were reportedly allowed back to work. But the Coalition of Cambodian Apparel Workers Democratic Union reported that as of mid-October, there were still 106 suspended union representatives and 677 workers from 16 factories who had not been allowed to return to work.

⁴³ Unpublished LICADHO Monitoring Reports: PP113THI10 & PP1210FEA10; LICADHO Report “Freedom of Expression in Cambodia: The Illusion of Democracy” December 2010, case study 16.

29 September 2010

Case 46

SEVERE BEATING OF UNION LEADER⁴⁴***Trapeang Kong Commune, Samraong Tong District, Kampong Speu***

- Union representative Phao Sak was beaten by two men on September 30, 2010, after he tried to negotiate worker bonuses for the Pchum Ben holiday.
- Phao Sak, who was trying to negotiate bonuses for workers at the Generation clothing factory in Kampong Speu province, was attacked while riding his motorbike to the factory. Two unidentified men hit him repeatedly over the head with boards.
- Phao Sak was hospitalized following the attack. He is affiliated with the Free Trade Union, whose leader, Chea Vichea, was assassinated in 2004. The current president of the union, Chea Mony, called the attack “an attempted assassination of a Free Trade Union representative”.
- No suspects have been arrested, but Samrong Thong District Police Chief Khuth Sophal denied the case was an attempted murder. He suggested that it was a “drunken altercation”.

30 September 2010

Case 47

COURT SUMMONED CTN TV EMPLOYEE ON DISINFORMATION ACCUSATIONS⁴⁵***Poipet Commune, Poipet District, Bantey Meanchey***

- CTN TV journalist, Lay Ly, was summoned for questioning about accusations of spreading disinformation after his station reported on a land dispute involving ARP-OITIC Group.
- The company filed a complaint claiming that the reporting had damaged the company’s honor because the company bought the land from villagers and still allowed them to plant rice on the land.

13 October 2010

Case 48

*[See also Case 60]***ADHOC STAFF CHARGED WITH DISINFORMATION AND DEFAMATION⁴⁶*****La Peang Village, Ta Ches Commune, Kampong Tralach District, Kampong Chhnang***

- ADHOC staff member Som Chan Kea was charged with disinformation and defamation in relation to a land dispute between a local community and KDC International Company.
- Two community members, Pheng Rum and Rach Sima, were also charged with destruction of company property and defamation in relation to the land dispute.
- The complaint was filed by Ta Ches Village chief Hai Hy on the behalf of KDC International Company.

14 October 2010

Case 49

WORKERS SUMMONED TO COURT FOR INCITEMENT DURING LEGAL STRIKE⁴⁷***Pot Sar Commune, Bati District, Takeo***

- Blue Sam Century factory worker representatives, Un Phally and Hang Kinseak, were summoned for questioning by provincial prosecutor Meas Sopheak, who wrongly accused the victims of inciting workers during a lawful labor strike in September 2010.

15 October 2010

Case 50

WORKER REPRESENTATIVE VICTIM OF THREATENING PHONE CALL⁴⁸***Khan Mean Chey, Phnom Penh***

- An unnamed Eight Stars Garment Factory worker union representative received threatening phone calls from unidentified individuals telling him he would be killed if he did not stop his union activities.

⁴⁴ Unpublished LICADHO Monitoring Report : KS029AK10 ; See also : LICADHO Report “Freedom of Expression in Cambodia : The Illusion of Democracy” December 2010, case study 34.

⁴⁵ Unpublished LICADHO Monitoring Report: BM120THI10 ; See also : LICADHO Report « Freedom of Expression in Cambodia : The Illusion of Democracy » December 2010, case study 25.

⁴⁶ Unpublished LICADHO Monitoring Report: KN049THI10.

⁴⁷ Unpublished LICADHO Monitoring Report: PP123SC10.

⁴⁸ Deu Ayuth Chea “Worker Representative of Eight Stars Garment Factory received a death threat from unidentified caller” *Radio Free Asia*, 23 October 2010, 8:30pm news.

28 October 2010

Case 51

[See also Cases 36, 67, 69, 70, 78, 91, 92, 99, 114, 115 & 122]

VIOLENCE AGAINST PEACEFUL PROTEST DURING UN SECRETARY-GENERAL VISIT⁴⁹***Khmer-Soviet Friendship Hospital in Phnom Penh***

- A group of 50 protesters who gathered to seek intervention by the UN Secretary-General in the ongoing Boeung Kak land dispute were violently dispersed by a mixed group of over 100 armed anti-riot and administrative police officers.
- Community activist Suong Sophorn was severely beaten and arrested during the clash. Upon arrest, Suong Sophorn lost consciousness due to loss of blood from a wound on his head. A video of the incident shows police continuing to drag and beat Sophorn after he lost consciousness.

31 October 2010

Case 52

VILLAGE REPRESENTATIVES PREVENTED FROM DELIVERING PETITION⁵⁰***Kouk Chak Commune, Siem Reap District, Siem Reap***

- Community representative Bik Ngom and 17 villagers attempted to deliver a petition regarding a land dispute to US Secretary of State Hillary Clinton while she visited Siem Reap. The group was detained and prevented from submitting the petition by six provincial heritage protection police officers. The villagers were released after the intervention of staff from LICADHO's Siem Reap office.

8 November 2010

Case 53

VILLAGER REPRESENTATIVES ESCAPE TO JUNGLE TO AVOID WRONGFUL ARREST⁵¹***Sang Kum Thmei Village, Thmorda Commune, Veal Veng District, Pursat***

- Village representatives Pov, Be Bon, Phay and Keay Dam Loung Me escaped to the jungle after learning that an arrest warrant had been issued by the court accusing them of inciting people to protest against MDS Company, owned by the tycoon Try Pheap. Their village is involved in a land dispute with the company.
- On November 1, 2010, the MDS Company had transported machinery equipment into the village to level the forest, farms and houses. The process was supervised by armed government forces.

17 November 2010

Case 54

OBSTRUCTION OF SCREENING OF MOVIE ABOUT CHEA VICHEA'S MURDER⁵²***Phnom Penh***

- Cambodian Independent Teacher Association (CITA) President Rong Chhun was prevented from showing the documentary *Who killed Chea Vichea?* in the newly inaugurated Freedom Park by 70 police officers.
- Daun Penh district deputy governor Sok Penhvuth ordered officers to prevent the screening.

18 November 2010

Case 55

UNION LEADER ARRESTED AND FRAMED WITH DRUG TRAFFICKING⁵³***Teuk Tla Commune, Sen Sok District, Phnom Penh***

- United Apparel Garment Factory union leader Sous Chantha was arrested on drug trafficking charges only hours after he led the transfer of about 1,000 workers from pro-government union IDUF to CCAWDU. Chantha was stopped by military police who claimed that they found a small quantity of an unidentified substance in his motorbike.
- The arrest was riddled with irregularities, and the authorities' story contained a number of inconsistencies. For example, police officers told Chantha that they were tipped off about the drugs, and that authorities had been following him for three days. But the officers' report said that they had set up a roadblock to search vehicles for weapons, and stopped Chantha because he looked suspicious. A LICADHO investigation found that there was no

⁴⁹ LICADHO Press Release "Violent Crackdown of Peaceful Protesters during the Visit of UN Secretary-General" 28 October 2010, <http://www.licadho-cambodia.org/pressrelease.php?perm=229>; See also : LICADHO Video <http://www.licadho-cambodia.org/video.php?perm=20>; See also : Unpublished LICADHO Monitoring Report : PP140FEA10.

⁵⁰ Unpublished LICADHO Monitoring Report : SP039IAD10.

⁵¹ San Tepheap "Villagers Representatives who protested on land grabbing against MDS Company faced with detention" *Moneaksekar Khmer News*, November 8, 2010.

⁵² Unpublished LICADHO Monitoring Report : PP1400DFEA10.

⁵³ Unpublished LICADHO Monitoring Report : PP143IAD10; See also : LICADHO News Archive "Supporters Gather Outside Cambodia's National Prison to seek Release of Imprisoned Union Leader" 21 January 2011, <http://www.licadho-cambodia.org/articles/20110121/130/index.html>

19-21 November 2010

Case 56

official roadblock in place at the time of Chantha's arrest. Chantha was also forcibly led away from his moto and had his back turned when the officers supposedly found the drugs. In addition, the drugs were awkwardly squeezed between the seat and the chassis of the bike, indicating they had been inserted while the seat was closed. Chantha consistently denied that he had any drugs in his possession.

- A two-hour trial took place on June 24, 2011, following increasing pressure from international garment buyers. During the trial, numerous inconsistencies were left unaddressed and no credible evidence of Chantha's guilt was presented. Ultimately, the judge found Chantha guilty and sentenced him to 10 months in prison – essentially time served.

VILLAGERS AND ACTIVISTS SUMMONED TO COURT REGARDING LAND CASE⁵⁴

Anlong Tnaot Commune, Krakor District, Pursat

- Twelve villagers, including Cambodia Peace Network activists, were summoned to court by provincial prosecutor Top Chansereyvuth, over accusations that they incited people to destroy the private property of Pheapimex Company and to obstruct the work of government authorities.
- The villagers are embroiled in a land dispute with Pheapimex.

⁵⁴ Unpublished LICADHO Monitoring Report : PS044SC10.

Annex 2: Threats Against HRDs (Jan–Dec 2011)

14 January 2011

Case 57

POLICE DETAIN PHOTOGRAPHER AND DELETE PHOTOS⁵⁵

Phnom Penh

- A photographer from *The Phnom Penh Post* was taking pictures of people being forcefully evicted from the Boeung Kak Lake area, when he was detained by the police who then deleted photos from his camera.

22 January 2011

Case 58

AUTHORITIES CONFISCATE JOURNALISTS' VOICE RECORDERS⁵⁶

Phnom Penh

- Four journalists, Phann Ana (*Cambodia Daily*), Vong Sok Heng (*The Phnom Penh Post*), Hai Syna (*Sabay Sabay Website*) and Sok Kuhn (Chinese *Sieng Huor*), had their voice recorders confiscated by government authorities during an Anti-Corruption Unit press-conference.
- The confiscation came after a *Cambodia Daily* journalist asked questions about a shelved United States Federal Bureau of Investigation (FBI) inquiry into the unresolved 1997 grenade attack during an opposition party rally, which killed at least 16 people and wounded more than 100 people.
- The voice recorders were confiscated by ACU deputy chief Seng Bou Rat on the order of ACU chief Om Yentieng.

25 January 2011

Case 59

[See also Cases 62 & 76]

POLICE SERIOUSLY INJURE VILLAGERS DURING PEACEFUL PROTEST⁵⁷

Tang Samraong Commune, Phnom Sruoch District, Kampong Speu Province

- Thirty villagers involved in a land dispute with a private company were seriously injured by a group of about 80 mixed armed forces during a demonstration to protect 950 hectares of land. Master International Cooperation Group, the company which claims to the land, was attempting to clear it.

25 January 2011

Case 60

[See also Case 48]

LAND ACTIVISTS CONVICTED OF DEFAMATION AFTER RADIO INTERVIEW⁵⁸

La Peang Village, Ta Ches Commune, Kampong Tralach District, Kampong Chhnang

- Community representative Reach Siema and ADHOC staff member Soum Chankea were found guilty of defamation after KDC International Co. filed a complaint relating to an interview that aired on Radio Free Asia on December 26, 2009. The pair had provided an uncontroversial legal opinion about court procedures related to a land dispute in La Peang Village.
- The land dispute pits villagers against KDC International Co., which is owned by Chea Keng, the wife of the Minister of Industry, Energy and Mines.

26 January 2011

Case 61

JUDICIAL INTIMIDATION OF COMMUNITY REPRESENTATIVES⁵⁹

Stung Chhay Commune, Kampong Seila District, Preah Sihanouk

- Two representatives fighting to protect their community's land from seizure by Mong Reththy Co. were summoned to face charges that they counterfeited documents in relation to the dispute. The land in dispute is a 170-hectare plot belonging to 42 families.

⁵⁵ See also: LICADHO Report (October 2011) "The Delusion of Progress: Cambodia's Legislative Assault on Freedom of Expression" <http://www.licadho-cambodia.org/reports/files/162LICADHOReport-LegislativeAssaultFreedomExpression2011-English.pdf>

⁵⁶ Unpublished LICADHO Monitoring Report : PP0110FEA11; See also: LICADHO Report (October 2011) "The Delusion of Progress: Cambodia's Legislative Assault on Freedom of Expression" <http://www.licadho-cambodia.org/reports/files/162LICADHOReport-LegislativeAssaultFreedomExpression2011-English.pdf>

⁵⁷ Unpublished LICADHO Monitoring Report : KS005LG11.

⁵⁸ FIDH "Asian Civil Society Condemns the Conviction of Mr. Sam Chankea, a Cambodian human rights defenders, for the exercise of his right to freedom of expression", 14 February 2011, <http://www.fidh.org/Asian-civil-society-condemns-the>

⁵⁹ Unpublished LICADHO Monitoring Report : SV008LG11.

25 February 2011

Case 62

*[See also Cases 59 & 76]***VIOLENT POLICE CRACKDOWN OF PEACEFUL PROTEST⁶⁰*****Tang Samroang Commune, Phnom Srouch District, Kampong Speu***

- Some 35 villagers were severely beaten and injured by mixed armed forces, including provincial police officers, provincial military police and military Region 3 soldiers during a protest.
- The villagers were protesting against the use of bulldozers and excavators to clear their land, which is claimed by Master International Group.

25 February 2011

Case 63

CONSTRUCTION WORKERS DISMISSED AFTER ATTEMPTING TO UNIONIZE⁶¹***Trapaing Thom Commune, Teuk Chhoo District, Kampot***

- Union leader Pen Phalla and 71 construction workers were fired from their jobs by TSO Cambodia Railway Company representative, Chi Meath, after they sought to unionize.
- The company is renovating Cambodia's railway network, a project that is partially financed by the Asian Development Bank.

26 February 2011

Case 64/65

*[See also Cases 75, 87, 89 & 97]***AUTHORITIES OBSTRUCT PEACEFUL PROTEST OF PREY LANG ACTIVISTS⁶²*****Sandan District, Kampong Thom***

- Over 365 villagers living around the Prey Lang forest gathered for over 48 hours in protest of heavy logging by Vietnamese-owned CRCK and PNT companies. The two companies were logging land that they had received as part of a 6,044-hectare economic land concession (ELC). A mixed group of armed forces prevented the protesters from reaching the sites of the logging.
- Four villagers were charged with incitement.

26 February 2011

Case 66

FORESTRY ADMINISTRATION CHIEF THREATENS ACTIVISTS⁶³***O Bei Choan Commune, O Chrov District, Banteay Meanchey***

- Four community representatives, Keo Song, Hil Proel, Bun Sinath, and Kort Lon, were threatened by forestry administration chief Suong Marin during a meeting about the ongoing land dispute between 84 families and Hai Sou Company.

28 February 2011

Case 67

*[See also Cases 36, 51, 69, 70, 78, 91, 92, 99, 114, 115 & 122]***BOEUNG KAK ACTIVISTS ARRESTED DURING PEACEFUL DEMONSTRATION⁶⁴*****Srah Chak Commune, Daun Penh District, Phnom Penh***

- Three community representatives from Boeung Kak Lake were arrested during a demonstration against the plan to build a new access road in the Boeung Kak lake area.
- The arrest occurred when the peaceful demonstration was obstructed by a group of 500 police officers led by Daun Penh district governor Sok Sambath.
- Authorities demolished 19 houses in Boeung Kak Village 3 to make way for the new access road.

14 March 2011

Case 68

COMMUNITY REPRESENTATIVE ARRESTED AFTER ORGANIZING PROTEST⁶⁵***Prek Khsach Commune, Kiri Sakor District, Koh Kong***

- Community representative Preap Narin was arrested by 15 military police and environmental officials led by Chinese Union Development Group Company Ltd representative. The arrest came after Narin led a protest by 30 families who are affected by a land dispute with the company, which was granted a 36,000-hectare concession in the area.

⁶⁰ Unpublished LICADHO Monitoring Report : KS008PA11.⁶¹ Unpublished LICADHO Monitoring Report : KP005SC11.⁶² Unpublished LICADHO Monitoring Report : KT014LG11.⁶³ Unpublished LICADHO Monitoring Report : BM019THI11.⁶⁴ Unpublished LICADHO Monitoring Report: PP0310FEA11.⁶⁵ Unpublished LICADHO Monitoring Report: KK009IAD11.

25 March 2011

Case 69

[See also Cases 36, 51, 67, 70, 78, 91, 92, 99, 114, 115 & 122]

- Preap Narin was released after he was pressured into accepting an inadequate compensation scheme for the land on behalf of the displaced villagers. Kiri Sakor Military Police Chief “Vuth” facilitated the negotiations.

BOEUNG KAK REPRESENTATIVE BEATEN, ARRESTED; PROTESTERS DISPERSED⁶⁶***Srah Chak Commune, Daun Penh District, Phnom Penh***

- Boeung Kak community representative Kong Chantha was beaten and arrested after Boeung Kak residents gathered outside the Phnom Penh municipal hall to draw attention to their land dispute.
- Approximately 300 Boeung Kak residents continued the protest, until they were broken up by a group of 120 police officers and military police officers. The authorities were led by municipal police commissioner Touch Naroth.

21 April 2011

Case 70

[See also Cases 36, 51, 67, 69, 78, 91, 92, 99, 114, 115 & 122]

ACTIVISTS AND CHILDREN INJURED BY POLICE DURING PEACEFUL PROTEST⁶⁷***Srah Chak Commune, Daun Penh District, Phnom Penh***

- Approximately 100 Boeung Kak villagers were violently dispersed by an equal number of police forces after staging a peaceful protest in front of the Phnom Penh municipality.
- Eleven villagers were arrested and detained overnight, including community representatives An Krin, Chea Dara, Kim Vanny, Kong Sopheap, Ly Mon, Ros Srey Neang, San Sophan, Tep Vanny, and Tol Sreyrov, and two children, Hem Virak Yuth and Lim Sothea Rith. Several were injured, including Tep Vanny, who had her thumb smashed in the door of a police van. A pregnant woman also lost her baby after being dragged away by police.

30 April 2011

Case 71

VILLAGERS INJURED BY MILITARY POLICE DURING ROAD BLOCKADE⁶⁸***Srae Khum Commune, Keo Seima District, Mondulkiri Province***

- Military police used guns to beat three villagers during a two-day protest over a land dispute between the villagers and Mong Reththy Co. The company had been granted a 5,000-hectare economic land concession in the area, which the villagers claim as their own.
- The protest saw 2,000 villagers block a national road, until about 100 armed military police officers moved on the protesters during the night, shooting into the air. Three villagers were beaten with the butt of the officers' guns.

8 May 2011

Case 72

VIOLENT POLICE CRACKDOWN AS FACTORY WORKERS STRIKE⁶⁹***Teuk Tla Commune, Sen Sok District, Phnom Penh***

- Some 1,000 Mitona garment factory union members were violently dispersed by more than 100 armed military police and police officers during a strike over unpaid wages.
- Ten workers were seriously injured and FTU union leader Pheng Chu was detained overnight at the Phnom Penh police station.

9 May 2011

Case 73

JOURNALIST REPORTING ON POLICE EXTORTION THREATENED⁷⁰***Phon Rong Srok Commune, Boribour District, Kampong Chhnang***

- *Khmer Stapana Sophoan* journalist Nou Chan was threatened with arrest by commune police chief Pang Pum Sen after the journalist published allegations that police were extorting money from villagers fishing along the river. Pum Sen also filed a defamation complaint against Nou Chan, whose newspaper also claimed that police were making money from illegal sales of land.

⁶⁶ Unpublished LICADHO Monitoring Report: PPO350FEA11.

⁶⁷ Unpublished LICADHO Monitoring Report: PPO490FEA11; See also: LICADHO Video “villagers arrested and beaten during peaceful protest”, 21 April 2011, <http://www.licadho-cambodia.org/video.php?perm=23>

⁶⁸ Unpublished LICADHO Monitoring Report: PPO64LG11.

⁶⁹ Unpublished LICADHO Monitoring Report: PPO630FE11.

⁷⁰ Unpublished LICADHO Monitoring Report: KN024THI11.

23 May 2011

Case 74

ACTIVISTS ARRESTED AFTER PARTICIPATING IN ASEAN CONFERENCE⁷¹***Chub Veari Commune, Preah Netr Preah District, Banteay Meanchey***

- A Kampuchea Krom activist living in Bangkok was arrested, detained and accused of distributing anti-government leaflets after coming to Cambodia to renew his Thai visa. His son was also arrested.
- Supreme National Council of Kampuchea Krom (SNCKK) representative Leang Sokha and his son, Leang Ratanak, were arrested shortly after Leang Sokha participated in the ASEAN Civil Society Conference in Jakarta in early May 2011. The arrest appeared to be direct retaliation for his participation at the conference, where he distributed information on alleged abuse of Khmer Krom in Vietnam.
- The pair spent the night in provincial police custody before being transferred to the Ministry of Interior's security department. During the arrest, the police confiscated their passports, Sokha's Cambodia identity card, US \$400, one laptop and their phones. The son was released the next day, but the father was transferred to Takeo provincial prison, where he spent weeks in pretrial detention before being released.

25 May 2011

Case 75

[See also Cases 64, 65, 87, 89, 97]

[See also Cases 20 & 114 re Ven.

Luon Sovath]**BUDDHIST MONK FORCED TO FLEE PROTEST UPON THREAT OF ARREST⁷²*****Prey Lang Forest***

- Ven. Loun Sovath was forced to flee a protest against land grabbing and deforestation in Prey Lang Forest after the local authorities threatened to arrest him.
- On April 26, 2011, Ven. Nun Ngeth, the Buddhist Supreme Patriarch in Phnom Penh had issued an official letter accusing Ven. Sovath of causing villagers to "think badly" of Buddhism.
- The letter banned Sovath from his home at Wat Ounalom and from entering all other pagodas in Phnom Penh.

26 May 2011

Case 76

[See also Cases 59 & 62]

COMMUNITY ACTIVISTS SAVAGELY BEATEN BY SOLDIER⁷³***Tang Samraong Commune, Phnom Sruoch District, Kampong Speu***

- Villager representative Sim Sun was beaten with a gun and received death threats in relation to a land dispute with authorities.
- The assaults and threats were perpetuated by a group of hired hands led by ACO military soldier Touch Sopheak and commune council member Piv Lon.
- While Sim Sun was being beaten, the authorities burned down 10 houses and other properties belonging to 100 families.

9 June 2011

Case 77

ATTEMPTED KILLING OF FISHERY RESOURCE CONSERVATION ACTIVIST⁷⁴***Andoung Teuk Commune, Botum Sakor District, Koh Kong***

- An unidentified individual fired shots at fishery resource conservation activist Neth Suong while he was listening to the radio in his house.
- Neth Suong had been very active in spreading information about fishery conservation in his community.

7 July 2011

Case 78

[See also Cases 36, 51, 67, 69, 70, 91, 92, 99, 114, 115 & 122]

BOEUNG KAK ACTIVISTS ARBITRARILY ARRESTED AND DETAINED OVERNIGHT⁷⁵***Phnom Penh***

- Two community representatives, Tep Vanny and Non Sok Kheng, were arrested by Daun Penh security guards and detained overnight at the Phnom Penh police station on the orders of municipal police chief Touch Naroth.

⁷¹ Unpublished LICADHO Monitoring Report: PP0651AD11.⁷² CCHR Fact Sheet "Case Study Series: Loun Sovath", July 2011,http://www.cchrcambodia.org/index_old.php?url=media/media.php&p=factsheet_detail.php&fsid=5&id=5⁷³ Unpublished LICADHO Monitoring Report: KS021DAP11.⁷⁴ Unpublished LICADHO Monitoring Report: PP1031AD11.⁷⁵ Unpublished LICADHO Monitoring Report: PP1031AD11.

14 July 2011

Case 79

[See also Cases 18 & 38]

- The activists were part of a group of Boeung Kak residents who gathered near the French embassy to protest a land grab.

COURT OF APPEAL UPHOLDS GROUNDLESS CONVICTION OF LICADHO STAFF⁷⁶***Phnom Penh***

- The Court of Appeals upheld the baseless conviction and two-year prison sentence of LICADHO staff member Leang Sokchoeun, for his alleged involvement in distributing anti-government leaflets in 2010.
- In an unusual procedural move, the court modified Sokchoeun's conviction for disinformation to incitement under the new Penal Code, which was not yet in force at the time of the alleged offense.

16 July 2011

Case 80

ILLEGAL ARREST AND DETENTION OF NGO EMPLOYEES⁷⁷***Tonle Bassac Commune, Chamkar Mon District, Phnom Penh***

- STT Staffers, Nhow Den and Loas Sren, were arrested by the bodyguards of Chea Sim, the Senate President and a high-level ruling party official. They were detained for hours at the Tonle Bassac commune police station.
- The NGO workers were taking pictures of houses near Chea Sim's residence that had received eviction notices.

23 July 2011

Case 81

UNION LEADERS ARRESTED WHILE DISTRIBUTING INFORMATIVE LEAFLETS⁷⁸***Oulampik Commune, Chamkar Mon District, Phnom Penh***

- Four union leaders – Oeu Ti, Chief of Federation of Cooperation for Cambodia, Sath Chheang Hour, Chief of Cambodia National Union for Workers Protection, Sreang Narith, Chief of Cambodian Workers Economic Federation Union, and Un Dara, Chief of Independent Workers Spirit Federation Union – were arrested by municipal police officers.
- At the time of their arrest, the activists were distributing union leaflets about the high cost of living and the need for higher wages.

26 July 2011

Case 82

POLICE CRACK DOWN OF PEACEFUL LAND PROTEST⁷⁹***Krasang Commune, Romeas Haek District, Svay Rieng***

- Two hundred villagers representing 543 families affected by a land concession granted to Mittapheap Company were protesting the clearing of their land when a group of mixed armed forces led by district deputy governor Leuk Saran forcefully dispersed them.
- The concession overlaps with officially recognized community forest land.

26 July 2011

Case 83

*[See also Cases 31 & 94]***SHOTS FIRED AT COMMUNITY ACTIVIST'S HOME⁸⁰*****Tbeng Commune, Banteay Srey District, Siem Reap***

- Community activist, Kun Eng, was victim of an attempted murder when an unidentified gunman opened fire at his house. Kun Eng was home with his wife and eight-month-old daughter at the time of the attack. The family fled their house immediately, fearing for their safety.
- Kun Eng is a community-based land rights activist who has advocated for the rights of his fellow villagers entangled in a land dispute with the Forestry Administration.
- Not long before his attempted killing, Kun Eng had publicly voiced his opinion about the negative impacts of the Forestry Administration reforestation scheme that affected 105 families.
- To this day, no one has been arrested in the shooting.

⁷⁶ LICADHO Press Release "Appeals Court Upholds Groundless Conviction of LICADHO Staff" 14 July 2011, <http://www.licadho-cambodia.org/pressrelease.php?perm=254>

⁷⁷ Unpublished LICADHO Monitoring Report: PP101TH11.

⁷⁸ Unpublished LICADHO Monitoring Report: PP102OFEA11.

⁷⁹ Unpublished LICADHO Monitoring Report: SR031LG11.

⁸⁰ CCHR "Shot Fired into home of community activist" *IFEX*, 3 August 2011, http://www.ifex.org/cambodia/2011/08/03/eng_attack/

2 August 2011

Case 84

LAND RIGHTS NGO SUSPENDED BY MINISTRY OF INTERIOR⁸¹***Phnom Penh***

- Cambodian NGO Sahnmakum Teang Tnaut (STT) was temporarily shut down by the Ministry of Interior Secretary of State Nuth Sa An on the orders of Finance Minister Keat Chhun. No legal reasons were given by the authorities to explain the temporary shutdown.
- Not long before the forced shutdown, STT published a report that used objectively quantifiable data to show flagrant shortcomings in Asian Development Bank-sponsored compensation packages provided to families dislocated by the railway rehabilitation project in Phnom Penh.
- For more details, see case study in the body of the report.

3 August 2011

Case 85

MINISTER OF INFORMATION SHUTS DOWN TWO NEWSPAPERS⁸²***Phnom Penh***

- The Cambodian Ministry of Information rescinded the licenses of two newspapers, *The Water and Fire News* and *The World News*, and ordered that the two papers cease publication. The notice outlining the decision was signed by Minister of Information Khieu Kannharith.
- The two newspapers were politically independent, but were willing to run articles that were critical of the ruling CPP.

4 August 2011

Case 86

FIVE ACTIVISTS CONVICTED FOR DISTRIBUTING LEAFLETS⁸³***Phnom Penh***

- The Phnom Penh Municipal Court convicted Phon Sam Ath, Sok Hemarak, Ngor Menghong, Eang Samorn and Chem Bol of incitement to commit a felony for distributing leaflets criticizing land concessions and criticizing the government for its perceived close ties with Vietnam.
- The five men were arrested in January and February, and held in pre-trial detention for a period of five to six months, in clear violation of Cambodian law, which prohibits pre-trial detention for misdemeanors exceeding half the minimum sentence set by the law. In the case of incitement, the minimum prison term is six months.
- Phon Sam Ath and Eang Samorn received two-year prison sentences; the other three men received prison sentences of 18 months. All five were fined 2 million riel (approximately US \$500).

18 August 2011

Case 87

*[See also Cases 64, 65, 75, 89 & 97]***FORESTRY ACTIVISTS DETAINED FOR 'RE-EDUCATION' AFTER LEAFLETING⁸⁴*****Chamkarmon District, Phnom Penh***

- Approximately 300 forestry activists from four provinces – Kampong Thom, Preah Vihear, Strung Treng and Kratie – were briefly detained by the police and the administrative authorities for “re-education”.
- The group had been distributing educational leaflets about the Prey Lang Forest and the importance of the forest’s biodiversity at major intersections in Phnom Penh.

25 August 2011

Case 88

ILLEGAL ARREST AND DETENTION OF TWO COMMUNITY REPRESENTATIVES⁸⁵***Mondol 2 Village, Sangkat 1 Commune, Preah Sihanouk District, Preah Sihanouk***

- Two community representatives, Phann Nhy and Kheang Chantorn, were illegally arrested without warrant by provincial military police officers. The group of 40 officers was led by provincial military police commander

⁸¹ Unpublished LICADHO Monitoring Report: PP1075C11; See also: LICADHO Press Release “We are all STT: Civil Society and Private Sector Groups Condemn government’s Arbitrary Suspension of Local NGO” 21 August 2011, <http://www.licadho-cambodia.org/pressrelease.php?perm=256>

⁸² CCHR Human Rights Defenders Alert “Newspaper motto noting Cambodia’s land area deemed ‘insulting’, two newspapers shut down” 8 August 2011, http://www.cchrcambodia.org/index_old.php?url=media/media.php&p=alert_detail.php&alid=3&id=5

⁸³ CCHR Human Rights Defenders Alert “Five men convicted of provocation for distributing anti-government leaflets” 8 August 2011, http://www.ifex.org/cambodia/2011/08/05/leaflets_conviction/

⁸⁴ Unpublished LICADHO Monitoring Report: PP1080FE11; See also: LICADHO Press Release “Authorities Conduct Mass Detention of Forest Activists in Phnom Penh” 18 August 2011, <http://www.licadho-cambodia.org/pressrelease.php?perm=255>

⁸⁵ Unpublished LICADHO Monitoring Report: SV0301AD11.

7 September 2011

Case 89

[See also Cases 64, 65, 75, 87 & 97]

Heng Nin.

- The two representatives were detained on charges of using violence to occupy property in relation to an ongoing land dispute between 187 families and Oknha Chea Soeun. The charges were filed by prosecutor Ream Cham Mony.

LAND RIGHTS TRAINING SESSION OBSTRUCTED BY THE AUTHORITIES⁸⁶***Andoung Teuk Commune, Botum Sakor District, Koh Kong***

- NRRPG President Chut Wutty and CCHR Staff Chhim Savuth were threatened with arrest and banned from conducting a training session on land and forest laws by 10 district military police officers in Kampong Thom.
- The officers were led by Sandan district police chief Uong Moly, district deputy governor Tieu Hok and Mean Rith commune chief Chhim Khon.

8 September 2011

Case 90

*[See also Case 12]***COMMUNITY REPRESENTATIVES COERCED TO REMOVE HOUSES⁸⁷*****Chey Sena Village, Ta Kaen Commune, Chhuk District, Kampot***

- Four villagers – Pek Chorn, Ouk Maok, Chey Sin and Kok Rin – representing 70 families in a land dispute, were threatened and coerced into removing village houses during negotiations over a land dispute. The houses sat on land which overlapped with an economic land concession granted to Camtree Corporation.

16 September 2011

Case 91

*[See also Cases 36, 51, 67, 69, 70, 78, 92, 99, 114, 115 & 122]***ACTIVIST SAVAGELY BEATEN BY POLICE DURING FORCED EVICTION⁸⁸*****Boeung Kak Lake, Phnom Penh***

- Land activist, Suong Sophorn, was savagely beaten by a mob of intervention police, who left him bleeding and unconscious after kicking and beating him with bricks and batons. This was the second time in less than a year that Sophorn was severely beaten by police during a protest. On both occasions, police continued beating Sophorn after he was unconscious or otherwise defenseless.
- The attack occurred while intervention police and Daun Penh district security guards were protecting two excavators sent out to Boeung Kak to demolish houses unexpectedly.

5 October 2011

Case 92

*[See also Cases 36, 51, 67, 69, 70, 78, 91, 99, 114, 115 & 122]***JUDICIAL INTIMIDATION OF COMMUNITY ACTIVISTS⁸⁹*****Phnom Penh***

- Six Boeung Kak community representatives – Tep Vanny, Heng Mom, Nget Khun, Duong Kea, Kong Chantha and Tol Sreyppov – were summoned for questioning by the Phnom Penh Capital Court of First Instance for allegedly insulting and intimidating Srah Chak Commune chief Chhay Thirith. The summons did not provide any details about when, where and how the residents “insulted” or “intimidated” Chhay Thirith.
- The summons came shortly after eight families from Boeung Kak lakes filed a complaint at the Phnom Penh Municipal Court alleging that Shukaku Inc., the Daun Penh district deputy governor and three senior members of the Phnom Penh riot police were responsible for the illegal destruction of their homes on September 16, 2011.

⁸⁶ Unpublished LICADHO Monitoring Report: KT0610FEA11.

⁸⁷ Unpublished LICADHO Monitoring Report: KPO46THI11.

⁸⁸ LICADHO Video “Boeung Kak Lake Activist Savagely Beaten by Mob of Police Officers during Forced Eviction” 17 September 2011, <http://www.licadho-cambodia.org/video.php?perm=25>; See also: LICADHO Press Release “Phnom Penh Municipality Must Abide by the government’s Order to Grant Land to the Remaining Boeung Kak Lake Families” 16 September 2011, <http://www.licadho-cambodia.org/pressrelease.php?perm=259>

⁸⁹ CCHR Human Rights Defenders Alert “Community Activists in two provinces subjected to judicial harassment”, 5 October 2011, http://www.cchrcambodia.org/index_old.php?url=media/media.php&p=alert_detail.php&alid=7&id=5

6 October 2011

Case 93

*[See also Cases 31 & 83]***JUDICIAL INTIMIDATION OF COMMUNITY ACTIVISTS⁹⁰*****Skun Village, Tbaeng Commune, Banteay Srey District, Siem Reap***

- Four community representatives – Vech Vy, Pak Rin, Nia Kleuk and In Sin – were summoned to court in relation to a land dispute over 173 hectares of land. The dispute affects 222 families in two separate villages in Tbaeng commune.
- The community reps are accused of illegal occupation of property under article 34 of the Land Law.

13 October 2011

Case 94

*[See also Cases 1, 40 & 125]***JUDICIAL INTIMIDATION OF ADHOC STAFFERS AND RFA JOURNALIST⁹¹*****Patang Village, Lumphat District, Ratanakiri***

- Two ADHOC Staffers, Pen Bonnar and Chhay Thy, and *Radio Free Asia* Journalist, Ratha Visal, were summoned to court for questioning about incitement charges in relation to an ongoing land dispute between private company DM Group and 136 indigenous Tumpuon families. The ADHOC staffers and journalist, as well as Cambodia Center for Human Rights director Ou Virak, were again summoned for questioning regarding incitement charges in October 2012.

26 October 2011

Case 95

ACTIVIST MONK FORCEFULLY DEFROCKED BY RELIGIOUS AUTHORITIES⁹²***Bay Damran Village, Bay Damram Commune, Baran District, Battambang***

- Ven. Kroeun Ravy, a Buddhist monk, was defrocked by Bay Damram pagoda head monk Ven. Khut Thon on the orders of Provincial Monk chief Ouk Mut.
- The monk was accused of corruption, but appears to have been targeted due to his popularity among local villagers and his anti-corruption stance.

3 November 2011

Case 96

*[See also Cases 32 & 34]***JUDICIAL INTIMIDATION OF COMMUNITY ACTIVISTS⁹³*****Andoung Kantout Village, Duan Bar Commune, Koas Krala District, Battambang***

- Six community activists – Sam Oeun, Men Phorn, Chan Chhiv, Mok Phouk, Lach Tourn and Po Len – were summoned for questioning on allegations that they damaged private property. The complaint was filed by Long Sinare, a military police lieutenant captain.
- Their summons came less than three weeks after “Deang” – another representative from the same community – was arrested without warrant on charges of occupying land after speaking at a public forum organized by the Cambodia Center for Human Rights. He was released after two hours of questioning by the investigating judge, but was ordered to appear again in court on a later date.

11 November 2011

Case 97

*[See also Cases 64, 65, 75, 87 & 89]***JUDICIAL INTIMIDATION OF PREY LANG FOREST ACTIVISTS⁹⁴*****Tbong Teuk Village, Mean Ritth Commune, Sandan District, Kampong Thom***

- NRRPG President Chut Wutty, CCHR Staffer Chhoem Savuth, and three villagers – Some Sean, Hoeun Sopheap, and Mao Chan Thoeun – were threatened with arbitrary arrest in relation to peaceful patrols of Prey Land forest. The five helped organize the patrols with local villagers to prevent illegal logging and to examine the work of Vietnamese company CRCK Rubber, which received a concession on the land.
- The threats came from a group of authorities including provincial deputy governor Uth Sam On, Sandan District governor Some Vanna, Sandan deputy district governor Touch Mary, and the district police chief, Oung Moly.

⁹⁰ CCHR Human Rights Defenders Alert “Community Activists in two provinces subjected to judicial harassment”, 5 October 2011, http://www.cchrcambodia.org/index_old.php?url=media/media.php&p=alert_detail.php&alid=7&id=5

⁹¹ CCHR Human Rights Defenders Alert “Human Rights Activists and journalist summonsed to court to answer two year old charges”, 12 October 2011, http://www.cchrcambodia.org/index_old.php?url=media/media.php&p=alert_detail.php&alid=12&id=5

⁹² Unpublished LICADHO Monitoring Report: BB1005C11.

⁹³ CCHR Fact Sheet “Case Study Series: Andoung Kantout Village” 26 November 2011,

http://cchrcambodia.org/index_old.php?url=media/media.php&p=factsheet_detail.php&fsid=22&id=5

⁹⁴ Unpublished LICADHO Monitoring Report: KT076THI11.

24 November 2011

Case 98

VIOLENT POLICE CRACKDOWN ON PEACEFUL DEMONSTRATION⁹⁵***Ti 3 Village, Treng Trayueng Commune, Phnom Sruoch District, Kampong Speu***

- About 100 demonstrators, representing 66 families involved in a land dispute, were violently dispersed by 90 mixed armed police and military police officers who shot into the air to threaten the demonstrators.
- The crackdown was led by provincial prosecutor Muth Dara as an attempt to enforce a Supreme Court decision awarding 175 hectares of disputed land to an obscure "farmers" association, represented by a military colonel.
- The land was not properly identified in the warrant used by authorities during the seizure of the land.

28 November 2011

Case 99

[See also Cases 36, 51, 67, 69, 70, 78, 91, 92, 114, 115 & 122]

ARREST AND DETENTION OF BOEUNG KAK LAKE ACTIVISTS⁹⁶***Srah Chak Commune, Daun Penh District, Phnom Penh***

- Four Boeung Kak community representatives – Bo Chavy, Heng Mom, Kong Chantha, and Tep Vanny – were arrested by Daun Penh security guards during a protest over the Boeung Kak land dispute. They were detained overnight and transferred to court for questioning on the next day.
- Meanwhile, at the protest, about 50 lake residents were physically assaulted by a group of approximately 50 intervention police, military police and police officers. The authorities were led by Phnom Penh municipality police deputy chief Hy Prou.

8 December 2011

Case 100

JUDICIAL INTIMIDATION OF FISHERY ACTIVISTS⁹⁷***Kep Thmey Village, Kampot***

- Two community representatives, Chan Dara and Chan Sophanna, were summoned for questioning regarding allegations of incitement in relation to a land dispute with a private development firm.
- Kampot Port, owned by Vinh Huor, and Keo Chea Property Development were granted permission by the government to fill in 1,000 hectares of the sea in Roluos village and 200 hectares in Kep Thmey and Totung Thnay villagers to make way for the construction of two new ports. Nearby villagers were ordered to leave.
- The women had conducted numerous advocacy activities on behalf of their community, such as collecting thumbprints, submitting petitions to the National Assembly, rallying community members to protest and appealing to the Prime Minister to address their concerns about the development project.

13 December 2011

Case 101

ARMED FORCES OPEN FIRE ON VILLAGERS INJURING THREE ACTIVISTS⁹⁸***Chakrei Commune, Phnom Preuk District, Battambang***

- A district deputy commander for the military opened fire on a peaceful gathering of villagers, injuring three community representatives: Soeng Heang, Chou Kun and Choeun Cheang.
- The villagers had gathered in an attempt to join a meeting between the local authorities and the company in relation to an ongoing land dispute that affected them.
- The deputy commander, Chan Ny, was acting as security guard for the Soun Sambath company.

⁹⁵ Unpublished LICADHO Monitoring Report: KS0540FEA11.

⁹⁶ Unpublished LICADHO Monitoring Report: PP1740FEA11.

⁹⁷ CCHR Alert "Judicial Intimidation of community activists in Kampot Province" 7 December 2011, http://cchrcambodia.org/index_old.php?url=media/media.php&p=alert_detail.php&alid=10&id=5

⁹⁸ Unpublished LICADHO Monitoring Report: BB110PA11.

Annex 3: Threats Against HRDs (Jan–Oct 2012)

3 January 2012

Case 102

[See also Cases 103 & 123]

VILLAGERS ARRESTED DURING FORCED EVICTION⁹⁹

Veal Vong Commune, 7 Makara District, Phnom Penh

- Eight villagers, including a female police officer, were arrested during the violent forced eviction of 300 families from the Borei Keila settlement. The authorities were led by municipal deputy chief Phuong Malai and municipal deputy governor Kat Chay.
- In early 2003, a "land-sharing" arrangement was proposed for Borei Keila, which allowed the well-connected construction company, Phanimex, to develop part of the area for commercial purposes while providing housing to the residents on the remaining land. Under the agreement, Phanimex was expressly obligated to build 10 apartment buildings on two hectares of land for the villagers in return for obtaining ownership of an additional 2.6 hectares for commercial development.
- In April 2010, Phanimex unilaterally reneged on the agreement, however – with the approval of the government – and stated it would stop building housing for the displaced families after only constructing eight buildings. That left 300 Borei Keila families excluded from the original agreement – and still living in housing on the site. These were the homes that Phanimex representatives destroyed on Jan. 3, 2012.
- The demolition was carried out by Phanimex employees and authorities alongside an excavator, which crushed houses before residents had the opportunity to clear out their belongings. The process was overseen by over 100 mixed police forces. Police also fired tear gas and live ammunition during the eviction.
- At least 12 people were injured including one policeman, some seriously.

11 January 2012

Case 103

[See also Cases 102 & 123]

BOREI KEILA RESIDENTS ILLEGALLY ARRESTED AND DETAINED AT PREY SPEU CENTER¹⁰⁰

Veal Vong Commune, 7 Makara District, Phnom Penh

- Twenty-four former Borei Keila residents and six children, including a 3-month-old baby, were illegally detained at the Prey Speu Social Affairs Center after being arrested at a peaceful protest in front of the Phnom Penh municipal hall. None of the group were charged or suspected of any crimes.
- The villagers were protesting to demand the release of fellow villagers arrested earlier that month during a violent forced eviction. Most were forced to escape the center by climbing over a wall. They spent several days in detention.

18 January 2012

Case 104

MILITARY OPENS FIRE ON PEACEFUL PROTEST, INJURING FOUR VILLAGERS¹⁰¹

Snuol District, Kratie

- Military personnel acting as security guards for TTY Co. Ltd opened fire on a group of villagers who had gathered to prevent the clearing of their farmland by the company's excavators. The cassava fields of 203 families were destroyed before the villagers were able to harvest their crops.
- TTY Co. Ltd. was granted an Economic Land Concession in 2008 on more than 9,000 hectares in Snuol district. Part of the concession overlapped with the Snuol Wildlife Sanctuary.
- Four villagers were injured by bullets. None of the authorities present during the shooting attempted to arrest the perpetrators, though three company employees were later arrested – two security guards and the general manager. They are awaiting trial.

⁹⁹ Unpublished LICADHO Monitoring Report: PP009FE12; See also LICADHO Press Release "Civil Society Groups Condemn Violent Eviction of Borei Keila Residents" 3 January 2012, <http://www.licadho-cambodia.org/pressrelease.php?perm=267>

¹⁰⁰ Unpublished LICADHO Monitoring Report: PP013IAD12.

¹⁰¹ LICADHO Video "Military Shoot Land Protesters in Northeastern Cambodia" 21 January 2012, www.licadho-cambodia.org/video.php?perm=29; See also : Unpublished LICADHO Monitoring Report : PP010PA12.

30 January 2012

Case 105

JUDICIAL INTIMIDATION OF LAND ACTIVISTS¹⁰²*Battambang*

- San Samneang, a land rights activist from Banteay Meanchey, was summoned to court in Battambang for questioning on charges of intentional damage to property. The summons contained no information regarding the nature of the acts said to have given rise to the charges, such as the date, the location or specific legal bases.
- In December 2009, San Samneang had organized a gathering in relation to a land dispute between local businesswoman, Theth Phary, and community members from two villages – Boeung Pi Village, Lvea Commune, Bavel District, Battambang, and Prasat Rang, Takong Commune, Malai District, Banteay Meanchey.

9 February 2012

Case 106

*[See also Cases 5 & 30]***MILITARY DISPERSES PEACEFUL DEMONSTRATION¹⁰³***Omlaing Commune, Thpong District, Kampong Speu*

- About 200 villagers – involved in a land dispute with a company owned by CPP Senator and businessman Ly Yong Phat – gathered in front of the Kampong Speu Provincial Court to demand the release of community representative Chum Srey Oun (for background, see Cases 5 & 30). They were dispersed by approximately 60 armed military soldiers who threatened to shoot if the demonstration continued.

20 February 2012

Case 107

JUDICIAL INTIMIDATION OF NGO WORKER¹⁰⁴*Sisophon, Banteay Meanchey*

- ADHOC staff member Soum Chankea was summoned to court to answer charges of “slandering denunciation” following his involvement in a gender-based violence case.
- The complaint against Soum Chankea followed ADHOC’s intervention in a case of sexual harassment and assault allegedly committed by Oum Socheath, Head of the Banteay Meanchey branch of the Cambodia Mine Action Center, and Coordinator of the UNDP-CMAC mine clearance program, and Pong Piseth. The latter is a prominent real estate and construction businessman and brother of a high-ranking government official.

21 February 2012

Case 108

GARMENT WORKERS SHOT AND SEVERELY INJURED DURING A STRIKE¹⁰⁵*Ta Pov Village, Bavet Commune, Bavet District, Svay Rieng*

- Three female garment factory workers – Bun Chenda, Keo Nea and Nuth Sokhorn – were shot and seriously injured during a peaceful demonstration in the Manhattan Special Economic Zone in Svay Rieng. The workers were demonstrating for increased salary and better working conditions. The shooter was later identified as then-Bavet city governor Chhouk Bandith.
- Despite the presence of the military police, Chhouk Bandith escaped on his motorbike after opening fire on the 1,000 striking workers.
- On May 15, 2012, Chhouk Bandith was questioned by the authorities and confessed to discharging his weapon during the protest. He was not arrested. He has been charged with unintentionally causing injuries.

1 March 2012

Case 109

TRADE UNION ACTIVISTS FIRED AND HARRASSED WITH IMPUNITY¹⁰⁶*Siem Reap*

- Morm Rithy, Vice President of the Cambodia Tourism and Service Worker Federation, and Kong Kimlean, a trade union activist, were summoned to the Court of Appeal after the owner of Angkor Village Hotel and

¹⁰² CCHR Human Rights Defenders Alert “Banteay Meanchey Activist Summoned on Charges for Unspecified Act” 26 January 2012, http://cchrcambodia.org/index_old.php?url=media/media.php&p=alert_detail.php&alid=13&id=5

¹⁰³ Unpublished LICADHO Monitoring Report: KS0040FEA12.

¹⁰⁴ FIDH “Judicial Harassment Against Mr. Soum Chankea”, 15 February 2012, <http://www.fidh.org/Judicial-harassment-against-Mr.11324>

¹⁰⁵ LICADHO Press Release “Stop Gun Violence Impunity: Arrest and Prosecute the Svay Rieng Shooter” 21 February 2012, <http://www.licadho-cambodia.org/pressrelease.php?perm=270>; See also: Unpublished LICADHO Monitoring Report: SR007AK12.

¹⁰⁶ CCHR Human Rights Defenders Alert “Trade Union Activists Summoned to Appeal Court” 29 February 2012, http://cchrcambodia.org/index_old.php?url=media/media.php&p=alert_detail.php&alid=16&id=5

30 March 2012

Case 110

Angkor Village Botanical Resort in Siem Reap, Olivier Piot, filed a complaint accusing them of intentional damage to property.

- In 2011, 67 workers were dismissed from Olivier Piot's hotels after they began unionizing, leading to a series of protests and court actions.
- On September 15, 2011, three union leaders, including Morm Rithy, were summoned to Siem Reap Provincial Court for questioning following a complaint that the union workers held a strike without notification, incited other workers to commit a felony and intentionally caused damage to property. The court dismissed the case due to lack of evidence.

AUTHORITIES OBSTRUCT DELIVERY OF PETITION TO CHINESE EMBASSY¹⁰⁷*Psar Daeum Kor Commune, Tuol Kork District, Phnom Penh*

- Two community representatives from Koh Kong province, Tep Vanna and Chhay Meng Hou, were arrested and detained at the municipal police station after they came to Phnom Penh to deliver a petition to the Chinese Embassy. The petition concerned an ongoing land dispute between 1,000 families from Kiri Sakor district in Koh Kong and the Chinese Union Development Group Company (UDG).
- Thirty other villagers who came with the community reps were taken from their guesthouse, forced into buses and sent back home to Koh Kong. The authorities were led by municipal police chief Touch Naroth.
- The villagers' petition was thumbprinted by 349 people; they had planned to give it to the Chinese Embassy during the visit of the Chinese President for an ASEAN summit.
- In 2008, UDG began clearing 36,000 hectares of forest on the Koh Kong province coastline to build a \$3.8 billion tourism zone, including hotels, golf courses and an airport.

10 April 2012

Case 111

COMMUNITY ACTIVIST FORCED TO FLEE AFTER DEATH THREATS¹⁰⁸*Trapeang Anh Chanh Buon Village, Por Seanchey district, Phnom Penh*

- Railway community representative Ros Bopha fled her community after receiving death threats from the village chief and being threatened with arrest by local and regional authorities.
- In the past year, more than 160 families had been evicted as part of the railway rehabilitation project, which is co-funded by the Asian Development Bank (ADB). They were relocated to Trapeang Anh Chanh as part of a resettlement plan. On April 2, 2012, Ros Bopha submitted a complaint to the ADB in Cambodia claiming that the compensation for her eviction was inadequate, due to limited work and livelihood opportunities in Trapeang Anh Chanh.
- On April 4, 2012, the village chief led 30 to 40 villagers and security guards in a violent assault on the relocated families, using electric batons, knives and sticks. The village chief went to Ros Bopha's house with a gun, threatening to kill her, but she had hidden elsewhere.
- On April 10, 2012, a delegation of local and municipal officials, along with police and Inter-Ministerial Resettlement Committee (IRC) staff, went to arrest Ros Bopha on allegations of theft, but she was not home. When she returned, the village chief and his supporters gathered in front of her house for two consecutive nights, drinking alcohol, throwing rocks and insulting her. Since then, she has gone into hiding with her family.

26 May 2012

Case 112

ENVIRONMENTAL NGO LEADER KILLED¹⁰⁹*Koh Pao Village, Bak Khlang Commune, Mondol Seima District, Koh Kong*

- Chut Wutty, Director of Natural Resource Protection Group and a prominent environmental activist, was shot dead while accompanying two journalists to photograph illegal logging. Military police and soldiers acting as security for logging firm Timber Green had sought to confiscate their recording equipment just before the shooting, which also claimed the life of military police In Ratanna.

¹⁰⁷ Unpublished LICADHO Monitoring Report: PP051THI12.

¹⁰⁸ LICADHO Press Release "Violent Attack by Local Authorities against Railway Relocation Site Residents", 6 April 2012, <http://www.licadho-cambodia.org/pressrelease.php?perm=274>; See also: Amnesty International Document "Cambodian woman threatened with death: Ros Bopha", 13 April 2012, <http://www.amnesty.org/en/library/asset/ASA23/005/2012/en/cbb1b531-b422-45d3-9e3f-89099e50fab5/asa230052012en.html>

¹⁰⁹ Unpublished LICADHO Monitoring Report: KK012K12; See also: "Blood Trail: The Forest Witnesses an Unsettling Death" *The Economist*, 5 May 2012, <http://www.economist.com/node/21554251>

19 May 2012

Case 113

- (For more information, see case study in the body of the report)

JUDICIAL INTIMIDATION OF LAND ACTIVIST¹¹⁰*Krakor District, Pursat*

- Community representative Kuch Veng was charged with incitement after leading fellow villagers in a bid to stop Pheapimex Company from clearing their farm land.
- Some 12,000 villagers are currently involved in land disputes over a Pheapimex economic land concession that spans more than 315,000 hectares in two provinces, Pursat and Kampong Chhnang.
- Eighteen villagers received court summons over the last year regarding complaints filed by Pheapimex for incitement, destruction of property and preventing development.

22-24 May 2012

Case 114

[See also Cases 36, 51, 67, 69, 70, 78, 91, 92, 99, 115 & 122]

[See also Cases 20 & 75 re Ven. Luon Sovath]

15 BOEUNG KAK ACTIVISTS ARRESTED, DETAINED AND CONVICTED¹¹¹*Boeung Kak Lake, Phnom Penh*

- Thirteen women were arrested during a peaceful demonstration in support of 18 families of Boeung Kak's Village 1 whose homes have been destroyed and covered by sand.
- Military police, anti-riot intervention police and Daun Penh district security guards violently dispersed the initial demonstration. Then, when some women gathered under a tree to sing songs about land rights, authorities surrounded the group, broke up the gathering and arrested them. They also searched out and arrested several other women known for advocating on behalf of the community – several were simply watching nearby. The women were taken to the Phnom Penh Municipal Police station where they were detained.
- On May 24, 2012, after two days of detention, all 13 women were charged, tried and convicted of illegal occupation of property and obstruction of public officials in one afternoon. They were sentenced to 2.5 years in prison after a trial filled with irregularities.¹¹² Their defense attorneys were not permitted to see their case files or evidence, they were not allowed to call defense witnesses, and their request to delay the trial – which is guaranteed under Cambodian law – was denied.
- Two other Boeung Kak representatives, Sao Sareoun and Ly Chanary, who had come to the court to testify as witness for the women, were arrested outside of the municipal court. A preliminary hearing for the two began immediately after the verdict of the 13 women was announced. They were also charged with illegal occupation of property and obstruction of public officials.
- Outside of the court, 200 mixed police sought to violently disperse the crowd that had gathered in support of the 13 women.
- Ven. Luon Sovath was accosted by religious officials and men in plainclothes and forced into a waiting vehicle with the help of police. Ven. Sovath was taken to Wat Botum where he was questioned for several hours before being released.
- On appeal in June 2012, the women's sentences were upheld, but the remainder of each sentence was suspended. As such, they were released after spending one month and three days in prison.

27 June 2012

Case 115

[See also Cases 36, 51, 67, 69, 70, 78, 91, 92, 99, 114 & 122]

POLICE BEAT BOEUNG KAK PROTESTERS; PREGNANT WOMAN MISCARRIES¹¹³*Phnom Penh*

- Bov Srey Sras, sister of Bov Sophea, one of the 13 convicted Boeung Kak activists, suffered a miscarriage after she was kicked by a police officer. The officer was one of many deployed to prevent supporters from attending the appeal trial of the 13 Boeung Kak activists.
- About 500 supporters had gathered to attend the appeal, but were blocked by scores of police on Phnom

¹¹⁰ "Fear accompanies summons over land disputes" *Phnom Penh Post*, 20 June 2012, <http://www.phnompenhpost.com/index.php/2012062056901/National-news/fear-accompanies-summons.html>

¹¹¹ Housing Rights Task Force (HRTF) "Condemnation of Unjustified & Violent Response to Peaceful Demonstration by Boeung Kak Residents" 22 May 2012, <http://www.licadho-cambodia.org/pressrelease.php?perm=278>

¹¹² Unpublished LICADHO Monitoring Report : PP058IAD12 ; See also : LICADHO Press Release "NGOs Condemn Baseless Convictions and Violence Against Cambodian Human Rights Defenders" 24 May 2012, <http://www.licadho-cambodia.org/pressrelease.php?perm=279> ; See also: LICADHO Video "Forcible Arrest of Ven. Luon Sovath while Supporting 13 detained land Activists" 24 May 2012, <http://www.licadho-cambodia.org/video.php?perm=32>;

¹¹³ Khouth Sophak Chakrya and Buth Reaksmy Kongkea "Cambodian Riot Police's tactics in Spotlight" *Phnom Penh Post*, 1 August 2012, <http://www.phnompenhpost.com/index.php/2012080157741/National-news/cambodian-riot-polices-tactics-in-spotlight.html>

5 July 2012

Case 116

Penh's riverside, several hundred meters from the courthouse. Police turned violent when a group of children attempted to walk through the police line and attend the trial.

- Bov Srey Sras was beaten until she lost consciousness. She was taken to the hospital where the doctor confirmed her miscarriage.

POLICE OBSTRUCTION OF UNION MARCH¹¹⁴*Kandal Province*

- About 4,000 workers from factories that supply Levi's and Gap were blocked by police after they attempted to march from Kandal province to the Ministry of Labor, the office of Hun Sen's Cabinet, the US embassy and the EU headquarters in Phnom Penh.
- The police and Labor Ministry officials thwarted the march after 90 minutes. During the clash, several workers sustained minor injuries.
- The workers were employed by factories owned by Tai Yang Enterprise. They had been on strike since June 25, 2012, and were demanding travel, accommodation, performance and maternal bonuses.

11 July 2012

Case 117

UNION REPRESENTATIVE BRUTALLY BEATEN BY POLICE UPON ARREST¹¹⁵*Phnom Penh*

- Cambodian Confederation of Unions representative, Rong Panha, was savagely beaten and hit on the head with electric batons during a labor march in Phnom Penh.
- Rong Panha had marched with 10 garment workers from Freedom Park across Phnom Penh to submit a petition to the Prime Minister at his villa. After submitting the petition to a cabinet representative, the group sat down in a park adjacent to Wat Botum when 60 Daun Penh district police and municipal intervention police officers approached them and asked them to leave. After the group requested some time to rest, the police began to physically assault them.
- Though seriously injured, Rong Panha was eventually taken away in a police truck and held for 48 hours in detention. He was forced to thumbprint a confession apologizing for instigating the conflict between the protesters and the police.

15 July 2012

Case 118

*[See also Case 119]***ILLEGAL ARREST AND DETENTION OF RADIO BEEHIVE OWNER¹¹⁶***Phnom Penh*

- Mam Sonando, the owner of the independent radio station Beehive and founder of the rights NGO Association of Democrats, was arrested by police days after returning to the country. The Prime Minister had called for Sonando's arrest just weeks earlier.
- Mam Sonando was accused of various charges related to inciting an insurrection related to a so-called secessionist movement in Kratie's Broma village. In May 2012, armed government forces raided the village and evicted hundreds of families, killing a 14-year-old girl in the process [see Case 106]. The families are involved in a land dispute with the Russian Company Casotim [See Case 106]. Authorities claimed after the fact that the villagers were attempting to secede from Cambodia, and tried to link Sonando to the case in July.
- The day before Prime Minister Hun Sen publicly called for Sonando's arrest, the Beehive radio station director hosted a broadcast from The Hague, where the Khmer People Power Movement's lawyers filed a communication with the International Criminal Court accusing Cambodian government officials of crimes against humanity in relation to land disputes.
- On July 2, 2012, Kratie investigating Judge Chok Nguon issued an arrest warrant accusing Sonando of

¹¹⁴ Mom Kunthea, "Clash Thwarts union's march" *Phnom Penh Post*, 6 July 2012, <http://www.phnompenhpost.com/index.php/2012070657253/National-news/clash-thwarts-unions-march.html>

¹¹⁵ LICADHO Press Release "Beating of Unionist a Black Eye for Cambodia in Midst of Major ASEAN Summit" 11 July 2012, <http://www.licadho-cambodia.org/pressrelease.php?perm=286>; See also: LICADHO Video "Union Worker Beaten during ASEAN Summit in Cambodia's Capital" 11 July 2012, <http://www.licadho-cambodia.org/video.php?perm=34>

¹¹⁶ LICADHO Press Release "Release Mam Sonando, Owner of Cambodia's Oldest Independent Radio Station", 16 July 2012, <http://www.licadho-cambodia.org/pressrelease.php?perm=287>; See also: David Boyle "Sonando broadcast targeted PM", *Phnom Penh Post*, 18 July 2012, <http://www.phnompenhpost.com/index.php/2012071857483/National-news/sonando-broadcast-targeted-pm.html>

24 July 2012

Case 119

[See also Case 118]

participating in an insurrectionary movement, inciting people to take up arms against the state, and obstructing public officials.

- Sonando, who had been abroad, returned to Phnom Penh on July 12, 2012, when the ASEAN summit was unfolding. He was arrested three days later, barely 24 hours after a number of prominent foreign ministers and diplomats, including US Secretary of State Hilary Clinton, departed the city.
- After a four-day trial from September 11-14, Sonando was convicted and sentenced to 20 years in prison. The verdict sparked widespread condemnation both in Cambodia and abroad. No credible evidence of either a secession movement or of Sonando's involvement was presented during the trial.

POLICE CRACK DOWN ON SUPPORTERS OF DETAINED RADIO OWNER¹¹⁷*Kendal, Takeo, Prey Veng and Kratie provinces*

- Supporters of Beehive Radio owner Mam Sonando were prevented from gathering thumbprints for a petition calling for his release in four different provinces – Kandal Takeo, Prey Veng and Kratie.
- The authorities stopped the supporters, claiming that they were disturbing public order. One member of the Association of Democrats, In Chhieng Horn, was arrested in Kampong Kor commune, Kratie, after authorities told him he had not asked for permission to gather thumbprints. There is no such requirement under Cambodian law.
- Supporters were attempting to collect thumbprints for a petition to be submitted to government agencies and nine foreign embassies on July 30, 2012.

27 July 2012

Case 120

AUTHORITIES DISRUPT LAND RIGHTS TRAINING SESSION¹¹⁸*Ratanakiri*

- A training session on land rights jointly organized by CCHR and ADHOC was disrupted by the authorities and police officers.
- Deputy governor Nap Bun Heng attempted to justify the police action by stating that the organizers had failed to notify the authorities. However, under article 3 of the Law on Peaceful Assembly, organizers are exempted from notification requirements for all education dissemination activities for social interests. Moreover, the training session occurred in a private home.

9 August 2012

Case 121

JUDICIAL INTIMIDATION OF SENIOR HUMAN RIGHTS INVESTIGATOR¹¹⁹*Phnom Penh*

- Chan Soveth, Senior Investigator and the Deputy Head of the Monitoring Section of ADHOC, was summoned to appear at the Phnom Penh Municipal Court on August 24, 2012. According to the summons, Soveth is suspected of violating article 544 of the Penal Code, which forbids providing assistance to the perpetrator of a felony. If found guilty of the charges, Soveth could face up to three years in prison and a fine of 2 to 6 million riels.
- The government has not disclosed exact details on the charge, but the summons appears to be connected to the land dispute/alleged secession plot in Kratie province *[see Case 106]*.
- On August 23, 2012, Phnom Penh Municipal Court judge, Chhe Virak, approved a request by Sam Sokong, Soveth's lawyer, to delay the hearing. The trial was initially delayed to September 11, 2012, and has since been postponed indefinitely.

4 September 2012

Case 122

*[See also Cases 36, 51, 67, 69, 70, 78, 91, 92, 99, 114 & 115]***BOEUNG KAK LAND ACTIVISTS ARRESTED ON SUSPICIOUS CHARGES¹²⁰***Phnom Penh*

- Outspoken Boeung Kak Lake community representative Yorm Bopha was arrested and detained at Prey Sar (CC2) prison after authorities claim she was involved in the beating of a suspected thief who had stolen

¹¹⁷ May Titthara "Police Crack down on Sonando supporter" *Phnom Penh Post*, 25 July 2012.

¹¹⁸ *Cambodia Daily*, 27-28 July 2012 ;See also: CCHR Video "On 27 July 2012, the authorities and police officers disrupted a training session jointly organized by CCHR and ADHOC" 2 August 2012, <http://www.youtube.com/watch?v=e37f00WTd24>

¹¹⁹ LICADHO Press Release "Charges against ADHOC Staffer Mark Decade's Most Serious Threat to Human Rights Work in Cambodia", Aug. 15, 2012, <http://www.licadho-cambodia.org/pressrelease.php?perm=289>

¹²⁰ LICADHO Joint Press Release, "Two Days, Two Unjustified Pre-Trial Detention Orders," Sept. 6, 2012, <http://www.licadho-cambodia.org/pressrelease.php?perm=290>

5 September 2012

Case 123

[See also Cases 102 & 103]

wing mirrors from her car.

- She was charged with intentional violence with aggravating circumstances under Article 218 of the Penal Code.
- Witnesses told civil society investigators that the individual beaten had been suspected of stealing the mirrors on multiple occasions. Bopha had complained to local police several times, but they took no action. On Aug. 7, the suspect stood nearby her car. This time, local residents took notice and allegedly beat him.
- Bopha was never questioned by authorities about the incident, and in a break from usual protocol, Phnom Penh Municipal Court Judge Te Samhang issued an order to bring both Bopha and her husband – a step above the usual summons for questioning. An order to bring is essentially the equivalent of an arrest warrant in that it allows for immediate detention. After minimal questioning, Judge Te Samhang ordered Bopha detained, but released her non-activist husband.
- Bopha has been involved in numerous peaceful demonstrations since Shukaku Inc. began filling Boeung Kak Lake, evicting thousands of families from their homes in the process. She was also leading numerous protests for the Boeung Kak 13, a group of women arrested on May 22 and imprisoned for over a month.

BOREI KEILA LAND ACTIVIST DETAINED AFTER FIGHTING FOR SON'S LAND RIGHTS¹²¹*Phnom Penh*

- The day after Yorm Bopha's arrest, authorities ordered the detention of Tim Sakmony, a prominent representative of evicted families from Borei Keila. She was accused of making a "false declaration" under article 633 of the Penal Code. She is imprisoned at CC2.
- The complaint against Sakmony was filed by Phanimex company owner Suy Sophan. Phanimex was awarded the Borei Keila community's land in exchange for a promise to build 10 apartment buildings for the current residents. The company decided, however, to build only eight buildings, which led to the ongoing land dispute.
- Authorities claim that Sakmony made a "false declaration" in an attempt to secure an apartment for her 49-year-old disabled son who is a resident of the Borei Keila community. Her son, a widower and former soldier, is suffering from partial paralysis and cannot speak.
- Article 633 prohibits providing a "false declaration to a public body for the purpose of obtaining an allowance, a payment or any unlawful advantage." The crime is punishable by imprisonment from six months to two years, and a fine from 1 million to 4 million Riels (USD250 – 1000).
- The use of pretrial detention in Sakmony's case was particularly unwarranted, given that Cambodia's Code of Criminal Procedure states that pre-trial detention may only be ordered in "exceptional" circumstances. The law also states that such detention may only be ordered where it is necessary to stop an offense from occurring, to prevent witness or victim harassment, to prevent collusion among accomplices, to preserve evidence, to protect public order, or to guarantee the presence and/or security of the accused. None of those circumstances are present in Sakmony's case.

11 September 2012

Case 124

MUCKRAKING JOURNALIST FOUND MURDERED¹²²*Ratanakiri Province*

- Hang Serei Oudom, a journalist who focused on exposing illegal logging in Cambodia, was found murdered in Ratanakiri province. His body was found in the trunk of his car. He worked for the *Virakchum Khmer Daily* newspaper.
- ADHOC investigators reported that Oudom had been beaten with sticks and had bruises on his head and other parts of his body. Other sources indicated he had been beaten with an axe.
- In his last article before his death, Oudom accused the son of a military police commander of smuggling logs in military-plated vehicles and extorting money from people who were legally transporting wood.

¹²¹ *Ibid.*¹²² "Journalist found murdered," Radio Free Asia, Sept. 12, 2012, <http://www.rfa.org/english/news/cambodia/journalist-09122012130944.html> and Charlie Wells, "Cambodian journalist who fought illegal logging 'murdered'," The New York Daily News, Sept. 12, 2012, http://articles.nydailynews.com/2012-09-12/news/33794980_1_cambodian-center-cambodian-journalist-ratanakiri.

1 October 2012

Case 125

*[see also Cases 1, 40 & 94]***JOURNALIST AND HUMAN RIGHTS NGOs STAFF SUMMONED IN LAND CASE¹²³***Ratanakiri Province*

- Three staff members from human rights NGOs and a Radio Free Asia reporter were summoned by the deputy prosecutor at Ratanakiri Provincial Court to appear for questioning on charges of incitement to commit a crime.
- The charges were based on a complaint by CPP commune chief Kith Chem; authorities allege that the men incited members of the Tumpoun ethnic minority, who are involved in a land dispute with DM Group. A protest by the villagers turned violent in 2009.
- Those summoned were: RFA reporter Sok Ratha (aka Ratha Visal), ADHOC staff Pen Bonnar and Chhay Thy, and CCHR president Ou Virak.
- The land dispute concerns a 260-hectare area parcel of land, and the resulting conflict has seen legal charges brought against at least 10 representatives of the affected communities.

¹²³ CCHR/Asian Human Rights Commission Press Release, "CAMBODIA: Three rights workers and one journalist summonsed to appear at Ratanakiri court on charges of incitement," Oct. 3, 2012, <http://www.humanrights.asia/news/forwarded-news/AHRC-FPR-046-2012>.

Annex 4: HRDs Detained in Prisons as of Dec. 1, 2012

	Name (Last, First)	Sex	Age	Date of Arrest (A) & Date of Detention (D)	Charge(s)	Length of Sentence	Name of Prison	Village	Commune	District	Province																																																																																																	
1	Nga Mork	M	49	August 9, 2010 (A & D)	Robbery and destruction of private property (article 6 of	5 year sentence, appeals ongoing.	Battambang	Anglong Kantuot	Doun Ba	Koas Kralor	Battambang																																																																																																	
2	Kong Sokhoeurb	M	52	August 8, 2011 (A & D)	Law on Aggravating Circumstance of Felonies and article																																																																																																							
3	Touch Vann Dy	F	50	August 8, 2011 (A & D)	52 of UNTAC Law).							4	Vann Saroeun	M	56	July 18, 2009 (A) July 20, 2009 (D)	(1) Robbery and murder (article 6 of Law on Aggravating Circumstance of Felonies), (2) attempted murder (article 31 UNTAC Law), and (3) forgery of public document (article 49 UNTAC law)	Trial on the first charge resulted in acquittal on Feb. 13, 2011. Convicted of attempted murder, and sentenced to 4 years.	Banteay Meanchey	Raksme Sammaky	Nimith	Poipet	Banteay Meanchey	5	Sor Song	M	55	November 23, 2007 (A) & November 24, 2007 (D)	Attempted murder and infringement against private property (article 32 UNTAC Law and article 248 of Land Law).	Sentenced to 10 years for attempted murder; 18 months for infringement on private property.	CC1	La Peang	Ta Ches	Kampong Tralach	Kampong Chhnang	6	Sun Korb	M	38	February 4, 2008 (A & D)	Illegal clearing of forest to occupy forest land (article 97 of Forestry Law).	6 years	Oddur Meanchey	Rum Chek	N/A	Anglong Veng	Oddur Meanchey	7	Long Sokhorn	M	52	February 20, 2012 (A & D)	Violence against public property (articles 34 & 259 of Land Law)	Pretrial	Pailin	Phsa Prom	Stoeng Kach	Salakrao	Pailin	8	Sok Sangha	M	24	9	Ros Thean	M	34	10	Kim Kheang	M	64	May 13, 2012 (A & D)	Illegal clearing of forest to occupy forest land (article 97 of Forestry Law).	Pretrial	Kampong Thom	Thmor Samleng	Kraya	Santuk	Kampong Thom	11	Tim Sakmony	F	64	September 5, 2012 (A & D)	Making a false declaration (article 633 of Penal Code).	Pretrial	CC2	Borei Keila	Veal Vong	7 Makara	Phnom Penh	12	Yorm Bopha	F	29	September 4, 2012 (A & D)	Intentional violence with aggravating circumstances (article 218 of the Penal Code).	Pretrial	CC2	Boeung Kak Lake	Srah Chork	Daun Penh	Phnom Penh	13	Mam Sonando	M	70	July 15, 2012 (A & D)
4	Vann Saroeun	M	56	July 18, 2009 (A) July 20, 2009 (D)	(1) Robbery and murder (article 6 of Law on Aggravating Circumstance of Felonies), (2) attempted murder (article 31 UNTAC Law), and (3) forgery of public document (article 49 UNTAC law)	Trial on the first charge resulted in acquittal on Feb. 13, 2011. Convicted of attempted murder, and sentenced to 4 years.	Banteay Meanchey	Raksme Sammaky	Nimith	Poipet	Banteay Meanchey																																																																																																	
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13	Mam Sonando	M	70	July 15, 2012 (A & D)	Leading a secession movement (articles 28, 456, 457, 464, 504, and 609 of the Penal Code).	Trial on Sept. 11-14, 2012; verdict announced on Oct. 1, 2012; sentenced to 20 years in prison and ordered to pay compensation of 10 million riel (US \$2,500)	CC1	Boeung Tumpun	Meachey	Phnom Penh																																																																																																		

