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លីកាដូ



LICADHO

CAMBODIAN LEAGUE FOR THE
PROMOTION AND DEFENSE OF
HUMAN RIGHTS



THE DANGERS OF DISSENT: ATTACKS ON HUMAN RIGHTS DEFENDERS

A briefing paper issued in
July 2017



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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 the respect of these rights by the Cambodian government and other state and non-state institutions. LICADHO continues to monitor and investigate human rights abuses and to advocate for the rights of the Cambodian people from its Phnom Penh headquarters and 13 provincial offices.

MONITORING & PROTECTION



Monitoring of State Violations & 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, victims of human rights violations, human rights defenders and families in resettlement sites. Social workers conduct needs assessments of victims and their families and provide short-term material and food assistance.

Prison Monitoring:

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

Paralegal & Legal Representation:

Human rights defenders and victims of human rights violations are provided with legal services, including representation, by human rights lawyers.

PROMOTION & ADVOCACY

Supporting Unions & Grassroots Groups and Networks:

Unions, grassroots groups and affected communities are provided with protection and legal services, as well as technical support which enhances their capacity to campaign and advocate for their own human rights.

Public Advocacy & Outreach:

Human rights cases, which are compiled into a central electronic database so that accurate information can be easily accessed and analyzed, are used for evidence-based written and audiovisual advocacy and lobbying at national and international levels.

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The Dangers of Dissent: Attacks on Human Rights Defenders

In June 2017, Cambodia went to the polls for commune elections. With national elections set to follow a year from now, the outcome of the next two years could resonate for decades to come. As demonstrated at every election since 1993, the current government is determined to retain its grip on power: as the ballots have drawn closer, the ruling party – which has held power in Cambodia for over 30 years – has increasingly silenced dissent and shut down the voices of those who challenge its narrative.

As Cambodia's human rights situation continues to backslide, exposing and speaking out against state-perpetrated abuses is ever more crucial. In the last two years, however, human rights defenders and other critical or independent voices have been among the main victims of Cambodia's increasingly fractious political

situation. Scores of human rights defenders face groundless charges, languish behind bars or have been subject to intimidation, harassment and undue surveillance. While civil society has shown courage and resilience, there are risks of a chilling effect on every form of dissent across the country, which would have an impact on the looming elections.

Even as the government grows increasingly demonstrative of its willingness to punish any peaceful exercise of rights and freedoms it deems threatening, human rights defenders have refused to be silenced in their calls for justice. Throughout the past two years, human rights defenders have returned to the streets, defied threats and intimidation, and repeatedly risked – or endured – prison sentences to demand their rights and stand up for their communities and unions.



A Crackdown on Fundamental Freedoms

Over the last two years, peaceful gatherings have been routinely shut down and scores of peaceful protesters arrested. Time and time again, human rights defenders peacefully exercising their rights to freedom of assembly and expression have been obstructed through arbitrary and excessive force, and online expression has been harshly punished. As elections approach, belligerent rhetoric from both the government and the armed forces, which disingenuously label assembly and expression as “colour revolutions”, has become commonplace.

Protests that challenge government policy are met with harassment and intimidation – if not outright violence – and have been forced into an increasingly small space. The deployment of para-police, riot police, military police and soldiers to disrupt peaceful gatherings has at times been a near-everyday occurrence. Authorities have consistently misused existing laws to shut down gatherings, demonstrations and strike actions.

In December 2016, for example, human rights defenders and citizens celebrating International Human Rights Day were prevented from marching and gathering in certain areas of Phnom Penh and forced into Freedom Park by large-scale deployments of anti-demonstration police armed with batons, shields and tear gas

guns. Even inside Freedom Park, the gathering was surrounded by hundreds of armed police throughout its duration.¹ In a further physical manifestation of the shrinking space, Freedom Park – a small area in central Phnom Penh purportedly set aside for demonstrations which grew in significance after hosting a series of large opposition protests following the 2013 elections – was relocated to the outskirts of the city just months before the next elections after the Prime Minister claimed that it caused ‘anarchy’ in its original location.²

Community-level forums are not immune to suppression: In the last two years, numerous workshops and activities to promote land and environmental rights have been shut down by authorities all over the country. In March 2016, a mixed group of police and gendarme officers were mobilized to prevent indigenous groups from holding a community training workshop in Ratanakiri province. In November 2016, police shut down a meeting organised by NGO Mother Nature to discuss the effects of sand dredging in Koh Kong province. Such retaliation for discussion of harmful development constitutes an assault on civil society as a whole, and sends a powerful threatening message to human rights defenders organizing or taking part in such events.

¹ LICADHO, Celebrating International Human Rights Day Across Cambodia (<http://www.licadho-cambodia.org/flashnews.php?perm=200>)

² Cambodia Daily, Freedom Park May Move North of City, Hun Sen Says (<https://www.cambodiadaily.com/subscribe/?level=&status=&id=0&archive=1>)



IHRD rally at Freedom Park, Phnom Penh, 10 December 2016.

In the last two years, LICADHO has investigated over one hundred cases of obstruction to freedom of assembly or expression, representing an almost threefold increase in such cases from 2015 to 2016. The first three months of 2017 alone has seen ten such cases. This ongoing and multi-faceted crackdown on peaceful assembly and expression removes a legitimate and crucial platform for debate and dissenting ideas, which is particularly dangerous in the pre-election context.

ONLINE SPACE UNDER ATTACK

Social media has proved an invaluable way for human rights defenders to communicate and expose rights abuses, particularly as Cambodia's internet literacy continues to grow exponentially. In what appears to be direct retaliation for posting dissenting views, however, the social media and email accounts of prominent human rights defenders have been interfered with by unknown assailants in a sustained wave of hacks starting in the first quarter of 2017. Venerable Luon Sovath, a human rights defender monk, had used his Facebook account to share videos and photos he had taken during protests and demonstrations with over 60,000 followers. After it was hacked in March, his account now posts crude criticism of the opposition Cambodia National Rescue Party (CNRP). In the same week, hackers attacked the social media accounts of a

swathe of other opposition officials, journalists and activists, including human rights defenders Chan Puthisak and Bov Sophea. As well as having significant security implications, such targeted online harassment and intimidation creates a chilling effect for freedom of expression.

Compounding a climate of fear, a number of prominent human right defenders and activists have been subject to surveillance and intimidation.

This has routinely been the case in Cambodia – for example, human rights defenders have often been subjected to anonymous phone calls and followed by men on motorcycles – but in the last two years, such surveillance has stepped up in tactics and intensity. Families of prominent human rights defenders are now often targeted by state actors as a means of further intimidation. Surveillance of high-profile human rights defenders now tends to be constant, obvious and often aggressive.

The state routinely uses the threat of phone-tapping, which was essentially legalised by the Law on Telecommunications if authorised by an undefined 'legitimate authority', to intimidate human rights defenders. In the last eighteen months, information from phone-taps has been used in a number of high-profile politically-motivated criminal cases.

Harassed by Authorities: The Black Monday Campaign

Nowhere was this shrinking space for fundamental freedoms more evident than in the government's response to the peaceful Black Monday campaign, launched by civil society groups following the imprisonment of five human rights defenders in May 2016.

In egregious examples of executive overreach, groups were prevented from wearing black in their offices for the Black Monday campaign, or even posting about Black Monday on Facebook. By the end of May, the Minister of Defence himself was threatening military force against those participating in what he deemed "illegal" Black Monday protests.

On the first Black Monday, held on 9 May 2016, supporters were prevented from gathering outside Prey Sar's CC1 and CC2 prisons, close to Phnom Penh, where four of the five human rights defenders are being held. Eight people, including four land activists and four human rights workers, including three LICADHO staff members, were arbitrarily detained and subject to hours of questioning before being released in the evening. Further Black Monday gatherings were no less eventful: over subsequent weeks, there were at least 38 arbitrary arrests – mostly of women from land communities – simply for wearing black clothing. Human rights defenders have been detained for hours at a time and forced to sign a document promising that they would not protest again – a tactic widely used against peaceful protesters by authorities in an attempt to foster self-censorship and compound the chilling effect around freedom of expression. Throughout the campaign, peaceful candlelight vigils were not only monitored closely by authorities, but often violently broken up by para-police.

Protesters were rarely charged – of the 38 Black Monday arrests since its inception, only two ended in a formal charge, trial and conviction – but it is clear that intimidation tactics used by security forces to break up these gatherings were an attempt to keep activists off the streets and out of the public eye.



Black Monday protesters after their release from police station in Phnom Penh, 15 August 2016.



State-Sponsored Violence


As police, para-police and even soldiers are deployed to obstruct peaceful assemblies and disperse protesters, a [long-standing pattern](#) of both indiscriminate and targeted violent repression has routinely left human rights defenders, activists and unionists injured.

Para-police – security guards regularly deployed alongside police – have become a recurring feature of gatherings expressing any kind of anti-government narrative. Baton-wielding para-police are used to violently disperse protests, often specifically targeting union or grassroots group leaders. Despite systematic and recurring acts of violence by para-police against peaceful protesters, not one has ever been prosecuted, and police routinely stand by as para-police commit violence with impunity.

On 4 April 2016, for example, at least two trade unionists were injured as a peaceful gathering near Cambodia's National Assembly to protest the draft Law on Unions of Enterprises (Trade Union Law), due to be passed that day, was violently

broken up. Police standing nearby did nothing to stop the violence inflicted on unionists by para-police wielding weapons.

Police intervention is also conspicuously absent when the perpetrators of violence against human rights defenders represent private interests. In February 2016, for example, a dispute between recently unionized, and subsequently fired, employees and their employer Capitol Tours took a [violent turn](#) when a peaceful strike in front of the company was brutally dispersed by members of the government-organised Cambodia for Confederation Development Association (CCDA). No CCDA members were arrested following the assault – in which some assailants wielded metal bars and hammers – but two protester victims of the beatings were charged and spent nearly two months in jail before being released on bail. Attacks such as these reflect a worrying trend of organised groups loyal to the ruling party willing and able to commit violence against political or civil groups with near-total impunity.



Para-police attack Chan Puthisak during World Habitat Day celebrations in Phnom Penh, 10 October 2016.

Targeted Violence: Am Sam Ath and Chan Puthisak

In one of the most egregious examples, well-known rights worker Am Sam Ath, LICADHO's Monitoring Manager and de-facto spokesperson, and Boeung Kak Lake community representative Chan Puthisak were both monitoring a peaceful World Habitat Day march when they were brutally attacked by para-police in the middle of Phnom Penh. Both were left bloodied and in need of medical treatment.

During an otherwise peaceful march through Phnom Penh to the city's Freedom Park on 10 October 2016, para-police blocked the march and launched an unprovoked, violent and targeted attack on Chan Puthisak, who was filming the march. Am Sam Ath then attempted to peacefully de-escalate the situation and end the violence under his mandate as a human rights monitor. Para-police immediately launched a similarly unprovoked and targeted attack, surrounding Am Sam Ath and punching him in the face and neck repeatedly. Both men were left injured and in need of medical assistance.

Three months later, both victims were summonsed to appear before the Phnom Penh prosecutor on 8 February as suspects of "intentional violence," an offence that carries a one-to-three year prison sentence. Police have still taken no action against identifiable para-police perpetrators of the violence, despite receiving formal complaints. LICADHO, along with multiple national media sources, has extensive video footage and witness accounts of the brutal beatings.

Violence Against Peaceful Supporters: Tep Vanny's Trial

During a February 2017 trial hearing of human rights defender Tep Vanny, para-police violently dispersed a group of about 35 women and children from land communities across Phnom Penh who were sitting peacefully outside the court. Para-police tried to forcibly drag the supporters away from the court. When they resisted the violent removal, para-police attacked them and dragged them across the floor, injuring three women – two women from Boeung Kak Lake community and a woman from Borei Keila community.

A number of people shouted at the para-police to stop the violence against the women. CNRP activist Mao Socheat was singled out, and a group of about eight para-police chased him into a shopping mall opposite the court – the first time that violence perpetrated by para-police had escalated into the territory of a private company. Inside the mall, the para-police surrounded him and kicked and punched him repeatedly in the face and head in plain sight of those shopping there.



Protester holds up banner of Tep Vanny in front of Municipal Court, 9 August 2016.



Judicial Harassment: the Criminalisation of Dissent

The past year has seen a spate of politically motivated cases against human rights defenders as the government increasingly attacked its critics through the criminal justice system. At least 12 human rights defenders have been unjustly imprisoned in Cambodia's jails over the past two years as politically-partisan courts repress and punish those who speak out for human rights.

Authorities consistently misused provisions of the Criminal Code to silence human rights defenders, from wilfully misinterpreting legitimate human rights work as 'bribery' to accusing, charging and imprisoning those who speak out on grounds of criminal defamation or incitement. This systematic misuse of the criminal justice system exemplifies the close links between Cambodia's state institutions and its ruling party, and the expanding use of such institutions as tools to intimidate and incapacitate civil society.

In February 2016, four prominent trade union leaders and human rights defenders – Cambodian Labour Confederation (CLC) President Ath Thorn, CLC General-Secretary Kong Athit, Cambodian Informal Economy Workers Association President Sok Chhun Oeung, and Cambodian Transport Workers Federation Secretary Ean Kim Hong – were charged with intentional violence, obstructing public officials and blocking traffic in relation to the Capitol Bus protest which was attacked by thugs. Not only are the charges baseless, but three of the four were not

even present when the violence took place. Nevertheless, the charges still hang over their heads. Under the Trade Union Law, enacted in May 2016, convictions could be used to prevent the four from holding any trade union office in future. This continued a recent trend to use the criminal justice system to silence the labour movement by targeting and groundlessly charging its key leadership.

Criminal charges are increasingly misused to criminalise speech critical of Cambodian authorities. Such charges have a clear chilling effect on the fundamental right to freedom of expression. They are also in violation of international law, which requires a significant degree of tolerance to be extended to political speech.

In September 2016, human rights defender Ny Chakrya – already in pre-trial detention under spurious bribery charges – was sentenced to six months in prison on charges of 'defamation, malicious denunciation, and publication of commentaries intended to unlawfully coerce judicial authorities', under Articles 305, 311 and 522 of Cambodia's Criminal Code. The charges stem from Ny Chakrya's criticism of how a Siem Reap court handled a land dispute in 2015. He had called for procedural irregularities to be investigated and for two victims of rights violations, whom the court had jailed, to be released.

The charges relating to coercing judicial authorities, as applied to this case, could



Land rights activist Hang Chenda during workshop in Banlung, Ratanakiri on 5 March 2015.

equally apply to any human rights defender or organisation expressing views on politically-motivated court decisions. It is clear that the use of Article 522 was designed to send a clear message to those who speak out against executive manipulation of the criminal justice system. Over the past two years, government spokespeople have frequently referenced this particular article in response to legitimate criticism of flawed judicial process. As of today, Ny Chakrya remains the only individual to have been charged under it.

In December 2015, community representative Chheng Bun Hak led a protest march through Poipet city, Banteay Meanchey. He, and the 50 families he represents, had protested throughout 2015 for adequate compensation and relocation after they lost their land to a railway development. As soon as the march finished, Chheng Bun Hak was promptly arrested, and after being held in detention for two days, charged with incitement under Articles 494 and 495 of the Cambodian Criminal Code and Obstruction of Traffic under Article

80 of the Cambodian Traffic Law. The nature of his questioning, and the charges levelled against him, are clearly intended to intimidate and deter future support for local activists. He remains on bail and under judicial supervision. Legal intimidation of land rights activists has proved a long-standing strategy: in March 2015, land rights activists Hang Chenda and Hang Sopheap, who represent 24 families embroiled in a land conflict since 1996, were summonsed by Preah Sihanouk's provincial prosecutor in the midst of a long-standing campaign to get their land back. Both were charged with violation of private property under Articles 248 and 253 of Cambodia's Land Law.

Manipulation of Cambodia's legal institutions to criminalise human rights defenders does not only seriously impede upon the completion of lawful activities in defence of human rights, it also deprives vulnerable communities of much-needed leadership and promotes damaging self-censorship.

Criminalising human rights work

“We are all still human rights defenders. The first thing I will do is continue my human rights work.”

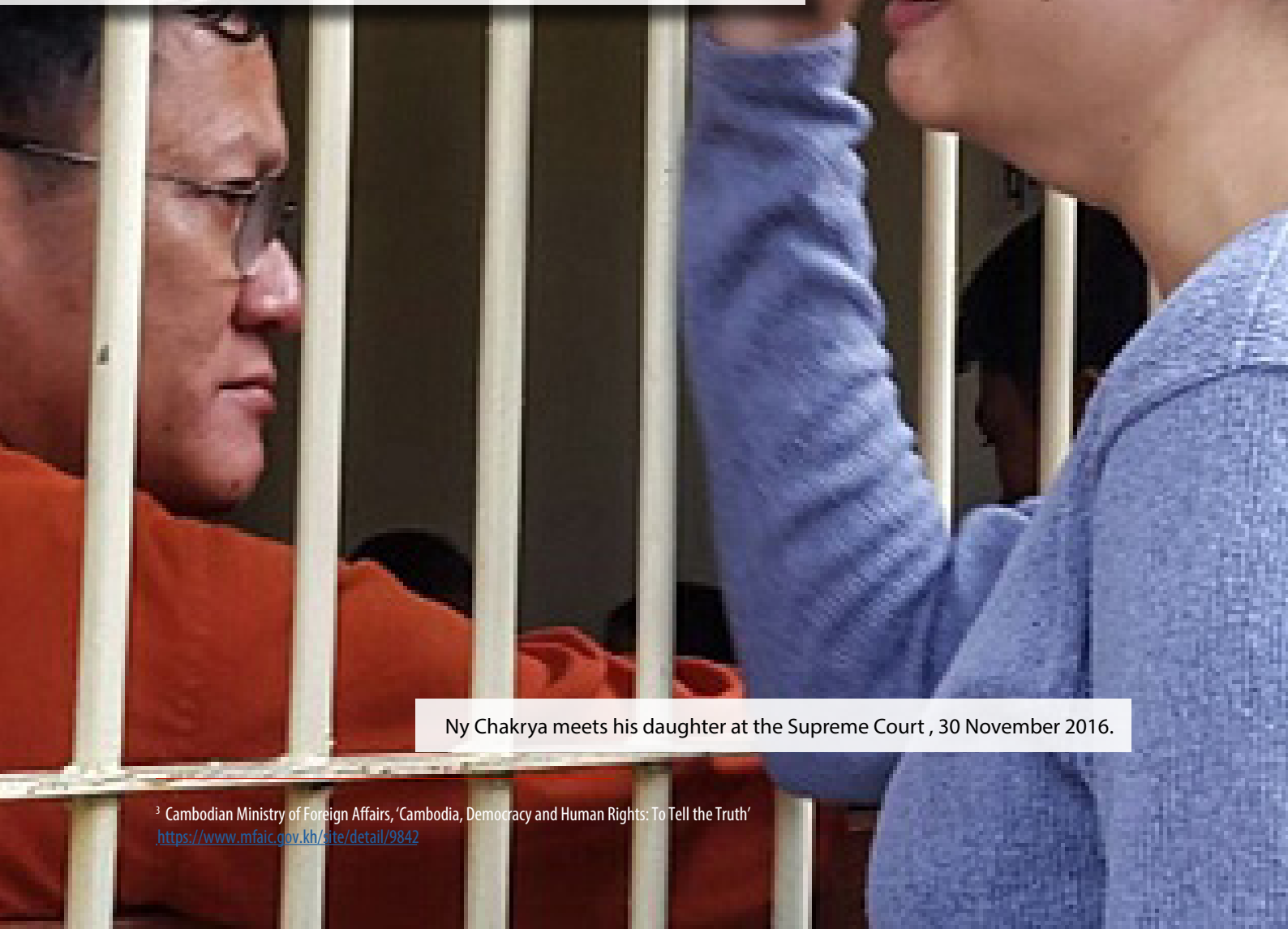
Ny Sokha on his release from prison, June 2017

Last April, five human rights defenders were jailed when their legitimate human rights work was used as a pretext for authorities to charge them under spurious charges of bribery.

Ny Sokha, Lim Mony, Nay Vanda and Yi Soksan from the human rights NGO, Cambodian Human Rights and Development Association (ADHOC), and National Election Committee (NEC) deputy secretary-general and former ADHOC staffer Ny Chakrya, were interrogated and detained after an ‘investigation’ led by Cambodia’s Anti-Corruption Unit (ACU) into deputy opposition leader Kem Sokha. The five were finally released in bail in June 2017 after over a year in detention. They still await trial on entirely spurious charges widely condemned by local and international groups, diplomats and the UN.

The involvement of anti-terrorism police in the initial investigation of this case is indicative of the growing conflation of legitimate human rights activism with threats to national security and the state. In April 2017, Cambodia’s Ministry of Foreign Affairs published an 11-page letter entitled ‘To Tell the Truth’, referring to national and international criticism of the human rights situation as a ‘campaign by some foreign governments and organizations that want a regime change in Cambodia’, claiming that this campaign was ‘fueled by distortion of facts, lies, amplifications of minor problems’ to ‘discredit and blame the existing and legitimate institutions’. This characterization of legitimate human rights activities as criminality has serious consequences for not only human rights defenders, but for rule of law itself in Cambodia.

The five spent more time in jail than three members of the Prime Minister’s Bodyguard Unit who were convicted of brutally beating two CNRP MPs outside the gates of the National Assembly during an anti-Kem Sokha protest in October 2015. They were sentenced to four years for beating the MPs bloody, and, as three quarters of their sentence was suspended, were out of prison after just one. All three were promoted shortly after their release.



Ny Chakrya meets his daughter at the Supreme Court , 30 November 2016.

³ Cambodian Ministry of Foreign Affairs, ‘Cambodia, Democracy and Human Rights: To Tell the Truth’ <https://www.mfaic.gov.kh/site/detail/9842>

Criminalising Peaceful Protest: a Judicial Assault on Tep Vanny

"We are not scared of jail. We have been here before. But we need to be released, so we can continue to fight for justice."

Tep Vanny, 28 March 2017

In response to the jailing of the five human rights defenders, civil society groups launched the Black Monday campaign to call for their release. From its very inception, the government consistently met the peaceful campaign with ludicrously disproportionate suppression. On 15 August, Tep Vanny and Bov Sophea, both from Boeung Kak Lake community, were arrested during a peaceful Black Monday ceremony within their Boeung Kak Lake community. Footage of the arrests show they were specifically sought out by para-police. Within a week, they had been convicted of "insult" under Article 502 of the Cambodian Criminal Code and sentenced to six days' imprisonment after a trial which violated numerous fair trial rights.

This, however, was to mark just the beginning of the government's counter-campaign against long-time land activist and prominent human rights defender [Tep Vanny](#). On 19 August, while she was still in pre-trial detention, two separate cases relating to Boeung Kak Lake protests in 2011 and 2013 were simultaneously resurrected against her.

In September, Vanny, along with three other Boeung Kak Lake representatives, was tried and convicted of obstruction of a public official with aggravating circumstances relating to one of the other reactivated cases – a protest in 2011. The four were sentenced to six months' imprisonment. In February 2017, after over six months in pre-trial detention, Vanny finally stood trial on unfounded charges of "intentional violence with aggravating circumstances" relating to a 2013 protest. Three weeks later, she was convicted of intentional violence with aggravating circumstances and sentenced to two years and six months' imprisonment. She spent the commune elections in jail, and will remain there until the 2018 national elections are well past.



Tep Vanny prior to her arrest, 15 August 2016.

A NEW ARSENAL OF REPRESSIVE LAWS

Authorities have shown themselves willing and able to misuse existing laws to persecute human rights defenders. But over the last two years, a new legislative arsenal has been passed to target human rights defenders through repressive new laws or harmful amendments. The environment for civil society, human rights and individuals is being further constricted as the government strengthens its grip over both public and private life, betraying a growing level of anxiety ahead of the next elections.

The raft of new legislation poses severe threats to individual human rights defenders and groups willing to speak out.

The Law on the Organization of the Courts, the Law on the Organization and Functioning of the Supreme Council of Magistracy, and the Statute of Judges and Prosecutors, all enacted in 2014, legitimize and entrench government control over the courts and judges which deeply undermines rule of law, particularly for human rights defenders targeted in politically-motivated cases.

The Law on Election of Members of the National Assembly was amended in 2015. The amended law, passed as part of political negotiations between the two leading parties, establishes fines and bans on NGOs that criticize political parties during the 21-day election campaigning period. Essentially, it bars civil society groups from participating in the process of elections, increasing the grave democratic deficit in Cambodia. Similar amendments were passed for the Law on Election of Commune/Sangkat Councils.

The Law on Associations and Non-governmental Organisations, enacted in 2015, poses an existential threat to civil society groups. It has been used in attempts to intimidate civil society organisations including LICADHO and ADHOC in an attempt to prevent them from engaging in their legitimate human rights work. In April 2017, the Ministry of Interior submitted a complaint regarding the prominent independent trade union Cambodian Independent Teachers' Association (CITA), claiming that recent amendments to the group's bylaws violated LANGO.

The Law on Unions of Enterprises (Trade Union Law), enacted in 2016, establishes government control over the existence and autonomy of unions. It also allows for the blacklisting of the many trade union leaders who have politically-motivated criminal convictions, including a number of HRDs who have been targeting for their union work.

The Law on Telecommunications, enacted in 2016, authorizes universal covert surveillance and provides for the severe punishment of free expression the government deems a threat. Communication technology amplifies the voices of human rights defenders and helps them to expose rights violations, and this law could be used by authorities to interfere with the ability of human rights defenders to communicate safely and expose human rights violations. The criminalization of such expression over the internet under vaguely-worded 'national insecurity' clauses is easily exploitable by Cambodia's politically-partisan judiciary.

A number of further repressive laws have been introduced, although not yet passed.

A Law on a Minimum Wage, due at the end of 2017, could hand the government powers that would have severe consequences for free expression, association and assembly for unions, workers, NGOs and even citizens advocating for an appropriate minimum wage. A further draft labour-related law, the draft **Law on Labour Dispute Resolution**, could also threaten independent organizations of workers and entrench political control over the resolution of labour disputes. A harmful **Law on the Management of Agricultural Land** would reintroduce a worsened regime of Economic Land Concessions, and its administrative sanctions regime is highly likely to be applied to punish victims of land rights abuses arbitrarily using vague provisions. A repressive **Law on Cybercrime** is also in the pipeline.

Taken together, these laws place unlawful restrictions on the rights to freedom of expression and peaceful assembly. If they are not repealed, the laws will silence the voices of workers and campaigners, lawyers, journalists, trade unionists, rural and community leaders and ordinary citizens.




The Murder of Kem Ley

"Wipe your tears; continue your journey."

At a time of marked increase in state repression of dissent, one person paid the ultimate price for his dissenting views. On 10 July, prominent political commentator Dr Kem Ley was shot dead, in broad daylight in the middle of Phnom Penh, in an execution-style killing while having a coffee at a petrol station.

His death sent shockwaves through the whole country. Within minutes of the murder, a growing number of people gathered outside the petrol station, where his body remained after the shooting. Within hours, thousands had begun a procession across the city to bring him to Wat Chas. By the time they reached the pagoda, about seven kilometres away, the march had swelled to around 5,000 people, including monks and local communities. Hundreds of thousands of people turned out to join his funeral procession two weeks later.

A suspect – who identified himself as “Chuob Samlab”, which translates in English as “Meet Kill” – was arrested shortly after the murder. He confessed, claiming that the shooting was over an unpaid debt of \$3,000. The allegation widely rejected as completely implausible. Nevertheless, Chuob Samlab – whose real name is Oeuth Ang – was convicted of the murder in February, despite serious gaps in the case including a complete failure to fully investigate motive, potential accomplices and the circumstances of his arrest.



Kem Ley's funeral procession, 24 July 2016.



Communities celebrate World Habitat Day in Phnom Penh, 10 October 2016.

CRITICS SILENCED

While authorities have expended next to no efforts to properly investigate Kem Ley's murder, they have frequently shut down speech and expression relating to it. Kim Sok, a next-generation political analyst, is currently in pre-trial detention on charges of criminal defamation and incitement for comments he made during an interview on Radio Free Asia relating to the murder.

On 12 March four youths were arrested and briefly detained when forty police and para-police shut down a private screening of an Al Jazeera documentary on the murder of Kem Ley, which

was released online months ago. The screening was due to be held at the private office of the Khmer Student Intelligent League Association (KSILA), an organization of youth activists and analysts. All youths were released three hours later, after signing a document promising not to screen the film again without permission from authorities.

This raises serious concerns for any individual who wishes to exercise their fundamental rights to freedom of opinion, expression, peaceful assembly and association throughout the election period.



Protest and Persist: Hope for the Future

Cambodia is now at a critical point in its progression. After thirty years of one-party rule, there are myriad signs that the country is ready for a change. Despite the shock of Kem Ley's murder, his death prompted hundreds of thousands of Cambodians to join a mass outpouring of calls for justice. This proved an enduring symbol of the tenacity and visible presence of Cambodian civil society and the country's human rights defenders in the face of intimidation, imprisonment and violence.

In the run-up to this election cycle, the government grew increasingly demonstrative of its willingness to punish any peaceful exercise of rights and freedoms it deems threatening. Throughout the past two years, those who stood up for human rights faced repressive legislation, unwarranted legal attacks and a crackdown on fundamental freedoms in an attempt to create a climate of fear and silence. Peaceful gatherings were deemed revolutions and shut down, often violently.

But this was not enough to stop the almost daily protests, whether in the city or in the provinces, of people who refused to give up on calling for their land rights, labour rights, or political rights to be upheld. Despite constant efforts of those in power to silence them, Cambodians continued to demand that their voices be heard.

As national elections approach, the work of human rights defenders from all sectors of society will prove ever more vital. And although it is all but certain that the government will continue to deny people their freedoms into the

election years ahead, it is equally clear that any such clampdown will continue to be met with resistance, solidarity and renewed calls for justice from Cambodia's human rights defenders and those for whom they stand up.



Communities call for the release of three imprisoned activists from NGO Mother Nature in Koh Kong, 25 August 2015.

RECOMMENDATIONS

To the Cambodian government and authorities:

- ▶▶ Release all imprisoned human rights defenders immediately and unconditionally.
- ▶▶ Conduct prompt, thorough and impartial investigations into threats and attacks against human rights defenders, and allow for prosecuting perpetrators to the fullest extent of the law.
- ▶▶ End unwarranted crackdowns on people peacefully exercising their right to freedom of assembly and expression. Stop the use of force by security forces, including para-police, against peaceful demonstrations and strikes.
- ▶▶ Revise the Criminal Code to ensure that it respects the Constitution of the Kingdom of Cambodia and its obligations vis-à-vis 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.
- ▶▶ Revise the Law on Peaceful Demonstration to ensure its articles uphold Cambodia's Constitution in terms of freedom of assembly, in particular the articles requiring that almost every public gathering receive advance permission from the government. Provide clear, coherent guidelines that allow for freedom of association and expression.
- ▶▶ 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.

To the international community:

- ▶▶ States and international institutions should continue to call for an end to attacks on Cambodian civil society and Cambodian human rights defenders in dialogue with the Cambodian government and publicly.
- ▶▶ Representatives of states and multilateral institutions should request access to detained human rights defenders and observe key trials and events involving human rights defenders and political activists.
- ▶▶ The international community should continue to collaborate and follow up with the UN Member States who presented a united front at the UN Human Rights Council in September 2016 in preparing targeted sanctions if there is no commitment to cease human rights violations, attacks on civil society and agreement to release imprisoned human rights defenders.

Annexe: Recent Attacks on Human Rights Defenders*

8 January 2015

Case 1

UNION MEMBERS THREATENED¹

Phnom Penh

INTIMIDATION – LEGAL

- Three union members were summonsed for questioning by a municipal investigating judge after Gin Win factory filed a complaint against them, accusing the three of inciting garment factory workers to illegally strike.

4 February 2015

Case 2

(SEE ALSO CASE 26)

UNIONISTS DETAINED²

Bavet commune, Bavet district, Svay Rieng

ABUSE OF AUTHORITY – DETENTION AND ARREST

- Six unionists from the Collective Union Movement of Workers were arrested by Bavet district police chief Keo Kong when they distributed leaflets at special economic zones in support of union leader Pav Sina. They were released after signing documents promising not to distribute leaflets to workers without permission.

27 March 2015

Case 3

COMMUNITY REPRESENTATIVES SUMMONSED³

Sangkat 3 commune, Preah Sihanouk district, Preah Sihanouk.

INTIMIDATION – LEGAL

- Land rights activists and community representatives Hang Chenda and Hang Sophea were summonsed by Preah Sihanouk's provincial prosecutor in the midst of a long-standing campaign to get their land back. Both were charged with violation of private property under Articles 248 and 253 of Cambodia's Land Law.

2 April 2015

Case 4

(SEE ALSO CASES 5, 6, 11, 13, 17)

ENVIRONMENTAL ACTIVIST DEPORTED⁴

Phnom Penh

INTIMIDATION – LEGAL

- Environmental activist and co-founder of NGO Mother Nature Alejandro Gonzalez-Davidson, a Spanish national, was arrested and deported by the department chief of immigration police when he overstayed his Cambodian visa following the refusal by Cambodian authorities to extend the visa due to his activism against a harmful hydroelectric dam in Areng Valley.

9 April 2015

Case 5

(SEE ALSO CASES 4, 6, 11, 13, 17)

NGO STAFFER PREVENTED FROM INFORMING VILLAGERS ABOUT SAND DREDGING⁵

Chrouy Pras commune, Koh Kong district, Koh Kong

ABUSE OF AUTHORITY – OTHER

- Mother Nature staffer Sun Mala was prevented from informing Koh Sraloa villagers about the negative impacts of sand dredging and actions to prevent sand dredging by the Chrouy Pras commune council chief.

*Politicians and political activists can also act as human rights defenders. However, the Cambodian government has a track record of associating critics with the political opposition in order to dismiss legitimate criticism and grievances. In this context, LICADHO has not included attacks and threats to politicians or political activists in this annexe.

¹ Unpublished LICADHO monitoring report: PP016TH15.

² Ben Sokhean, "Six Unionists Arrested, Released In Bavet City Over Incitement", *The Cambodia Daily*, 5 February 2015.

³ Unpublished LICADHO monitoring report: SV009LG15.

⁴ Joint Statement, "Civil Society Groups Condemn Use of Visa Denial to Curb Activism", 17 February 2015, <http://www.licadho-cambodia.org/pressrelease.php?perm=373>.

⁵ Unpublished LICADHO monitoring report: KK0110FEA15.

25 June 2015

Case 6

(SEE ALSO CASES 4, 5, 11, 13, 17)

ENVIRONMENTAL ACTIVISTS DETAINED⁶

Tonle Bassac commune, Chamkar Mon district, Phnom Penh

ABUSE OF AUTHORITY – DETENTION & ARREST

- Three environmental activists from NGO Mother Nature – Meas Heng, Doem Kundy, Sorn Channdara – as well as ADHOC media officer Dit Sothy were illegally detained by a mixed group of 10 Chamkamorn district para-police and police officers after a group gathered in front of the National Assembly to protest against sand dredging in Koh Kong province. The four were released later that morning, after the three Mother Nature staffers signed a contract promising not to protest again.

4 July 2015

Case 7

COMMUNITY REPRESENTATIVE DETAINED⁷

O Bei Choan commune, O Chrov District, Banteay Meanchey

INTIMIDATION – LEGAL

- Community representative Sean Vy was arrested and detained for two days at Banteay Meanchey provincial police station by a group of military policemen and local authorities after leading 20 families involved in a land dispute. On 7 July, he was charged with violation of private property under Articles 248 and 253 of the Land law and released on bail. Cases against him are still pending.

13 July 2015

Case 8

(SEE ALSO CASES 9, 10)

ANTI-LANGO PROTESTERS DETAINED⁸

Tonle Bassac commune, Chamkar Mon district, Phnom Penh

INTIMIDATION – LEGAL

- Six people were arrested by the Phnom Penh municipality deputy governor, Khuon Sreng, and Phnom Penh municipality deputy police chief, Ouch Sakorn, after protesting against LANGO outside the National Assembly.

18 July 2015

Case 9

(SEE ALSO CASES 8, 10)

LAND ACTIVISTS DETAINED⁹

O Russei 2 commune, 7 Makara district, Phnom Penh

INTERFERENCE WITH FREEDOM OF ASSEMBLY – VIOLENCE & ARRESTS

- Five community representatives – Tep Vanny, Chay Kimhorn, Bov Sophea, Kong Chantha and Song Sreyleap – were detained at O Russei 2 commune police station by the 7 Makara district governor after distributing anti-LANGO flyers and attempting to march around the market with a small group of approximately 20 people. They were released after signing a contract promising to stop their activities.

⁶ CCHR Statement, “Mother Nature activists arrested in Phnom Penh while attempting to protest against sand dredging activities in Koh Kong”, 25 June 2015, http://www.cchrcambodia.org/index_old.php?url=media/media.php&p=alert_detail.php&alid=61&id=5.

⁷ Chhay Channyda, “Land disputant freed on bail in B Meanchey”, The Phnom Penh Post, 9 July 2015.

⁸ Unpublished LICADHO monitoring report: PP0711AD15.

⁹ LICADHO Flash News, “Five activists held after handing out anti-LANGO stickers”, 18 July 2015, <http://www.licadho-cambodia.org/flashnews.php?perm=132>.

26 July 2015

Case 10

(SEE ALSO CASES 8,9)

SIX MORE ARRESTED FOR PROTESTING LANGO IN PHNOM PENH¹⁰

Phnom Penh

INTERFERENCE WITH FREEDOM OF ASSEMBLY – VIOLENCE & ARRESTS

- Five men and one woman from youth groups based in Preah Vihear and Phnom Penh were arrested after gathering in front of the National Assembly to protest LANGO. The six youths - Chum Hour and Chum Hout from the Khmer Youth Empire group, Veoun Ratana, MOUNG Sony and Soun Veana from the Khmer Student Intelligent League Association, and Meas Leakhena from the CNRP Chroy Chanvar women's movement - were detained for several hours in Chamkor Mon district police office in Phnom Penh.

17 August 2015

Case 11

(SEE ALSO CASES 4, 5, 6, 13, 17)

ENVIRONMENTAL ACTIVISTS ARRESTED¹¹

Kandal commune, Botum Sakor district, Koh Kong

INTIMIDATION – LEGAL

- Three activists from NGO Mother Nature – Try Sovikea, Sun Mala, and Sim Samnang – were arrested on 17 August amid an ongoing campaign to end alleged illegal sand dredging in Koh Kong. They were charged under Article 424 of the Penal Code with threatening to cause destruction, defacement or damage and ordering others to do so, and detained in Koh Kong prison.

20 August 2015

Case 12

STUDENT ARRESTED FOR POSTING ON FACEBOOK¹²

Phnom Penh Thmei commune, Sen Sok district, Phnom Penh

INTIMIDATION – LEGAL

- University student and head of the Cambodian Student Network Kong Raya was arrested by approximately 10 police officers from the security department of the Ministry of Interior after posting comments on his personal Facebook page calling for a colour revolution in Cambodia.

2 September 2015

Case 13

(SEE ALSO CASES 4, 5, 6, 11, 17)

PROTESTORS AND RIGHTS MONITORS DETAINED¹³

Kandal commune, Botum Sakor district, Koh Kong

INTERFERENCE WITH FREEDOM OF ASSEMBLY – VIOLENCE & ARRESTS

- 17 protesters and activists, including five LICADHO and ADHOC human rights monitors, one medic, and two media workers, were detained and sent to Koh Kong police station by a group of 60 police and military police officers, led by Koh Kong provincial deputy police chief Kong Yan, when a group of 90 villagers and activists protested peacefully to call for the release of three imprisoned NGO Mother Nature activists and for the resolution of a land conflict. The group was released after eight hours of detention.

¹⁰ LICADHO Flash News, "Six more arrested outside for protesting LANGO in Phnom Penh", 26 July 2015, <http://www.licadho-cambodia.org/flashnews.php?perm=136>.

¹¹ LICADHO Flash News, "Supporters of arrested Mother Nature activists prevented from entering city", 19 August 2015, <http://www.licadho-cambodia.org/flashnews.php?perm=142>.

¹² Pech Sotheary, "Student arrested after posting about 'revolution'", The Phnom Penh Post, 24 August 2015.

¹³ Joint Statement, "ADHOC, CLEC and LICADHO Call for the Immediate Release of 17 Activists and Observers in Koh Kong", 2 September 2015, <http://www.licadho-cambodia.org/pressrelease.php?perm=391>.

10 September 2015

Case 14

ACTIVIST INJURED DURING LAND PROTEST SENTENCED TO TWO YEARS' IMPRISONMENT¹⁴

Phnom Penh

INTIMIDATION – LEGAL

- Imprisoned activist Ouk Pich Samnang was convicted of intentional violence and obstructing authorities under Articles 218 and 503 of the Criminal Code - in defiance of testimony and lack of evidence - and sentenced to two years in prison relating to an October 2014 protest on top of the seven years he was serving for an earlier conviction.

16 September 2015

Case 15

COMMUNITY LEADERS TRIED FOR CLEARING STATE FOREST¹⁵

Svay Rieng province

INTIMIDATION – LEGAL

- Two men from Andoung Trabek community were tried by Svay Rieng provincial court under charges of clearing state forest. Suon Seiha and Suon Hongly were charged under Article 97 of the forestry law in 2012 as an intimidation tactic against Andoung Trabek community, who have repeatedly contested multiple land-grabs by local authorities – allegedly including forestry administration officers – which date back to 2008.

7 October 2015

Case 16

ENVIRONMENTAL ACTIVIST ARRESTED AND DETAINED¹⁶

Chumnoab commune, Thma Bang district, Koh Kong

INTIMIDATION – LEGAL

- Areng Valley community representative and CPP commune councilor Vein Vorn was arrested on charges relating to his activism and sent to Koh Kong provincial prison. He had been at the forefront of Areng Valley community's campaign to stop the controversial development of a hydroelectric dam by the Pheapimex group, headed by ruling party senator Lao Meng King, and its Chinese partner Sinohydro. He was charged and subsequently convicted under Article 98 of the Forestry Law and 533 of the Criminal Code for leading the construction of a small communal meeting space built by the Areng Valley community to support their activism.

23 October 2015

Case 17

(SEE ALSO CASES 13, 20, 28, 46)

STUDENTS AND NGO STAFFERS THREATENED WITH GUNS¹⁷

Angoung Teuk commune, Botum Sakor district, Koh Kong

INTIMIDATION – VIOLENCE

- Seven university students and Mother Nature staffers were prevented from holding a workshop on human rights and democracy by three Angoung Teuk commune police officers with guns, led by the Angoung Teuk commune police chief and Angoung Teuk commune council chief.

¹⁴ LICADHO Flash News, "Activist injured during land protest sentenced to two years' imprisonment", 10 September 2015, <http://www.licadho-cambodia.org/flashnews.php?perm=143>.

¹⁵ LICADHO Flash News, "Community leaders tried for clearing state forest", 16 September 2015, <http://www.licadho-cambodia.org/flashnews.php?perm=144>.

¹⁶ LICADHO Flash News, "Areng Valley community representative arrested, jailed", 7 October 2015, <http://www.licadho-cambodia.org/flashnews.php?perm=147>.

¹⁷ Unpublished LICADHO monitoring report: KK0180FEA15.

28 November 2015

Case 18

LAND REPRESENTATIVES DETAINED¹⁸

Kraya commune, Santuk district, Kampong Thom

ABUSE OF AUTHORITY – DETENTION & ARREST

- When 21 families embroiled in a land conflict protested against the clearance of their land, two community representatives were detained for several hours by a group of 10 policemen and soldiers led by Santuk district forestry administration chief Tib Nheata, who forced the pair to thumbprint a document promising not to file a complaint against the land clearance.

2 December 2015

Case 19

RATANAKIRI COMMUNITY REPS JAILED FOLLOWING UNJUST CONVICTION¹⁹

Ratanakiri

INTIMIDATION – LEGAL

- Community representatives Sout Soeun, Em Chan, and Chreuk Touck were convicted of charges relating to infringement of ownership under Articles 247, 248 and 253 of the Land Law. Despite a complete lack of any evidence of violence, all three received maximum prison sentences of two years from Ratanakiri provincial court and were immediately sent to Ratanakiri prison following their sentencing.

6 December 2015

Case 20

(SEE ALSO CASES 17, 20, 28, 46)

ENVIRONMENTAL ACTIVISTS DETAINED²⁰

Ta Tai Kraom commune, Koh Kong district, Koh Kong

ABUSE OF AUTHORITY – OTHER

- Two environmental activists from NGO Mother Nature, four villagers and one foreign journalist were illegally detained in a private house for several hours by an Odoum Sima Company worker after they tried to take photos and videos of sand dredging activities. The perpetrator also deleted all their photos and videos.

14 December 2015

Case 21

COMMUNITY REPRESENTATIVE ARRESTED AND CHARGED²¹

Phsar Kandal commune, Poipet district, Banteay Meanchey

INTIMIDATION – LEGAL

- Chheng Bun Hak, a representative of 50 families facing the loss of their residential land due to railway construction, was arrested by a group of police officers after leading a march through Poipet town to call for compensation and a resettlement offer. He was held for three days before being released on bail, charged with incitement under Article 495 of the Cambodian Criminal Code and obstruction of traffic under Article 80 of the Cambodian Traffic Law. A LICADHO staff member and ADHOC staff member were also summoned for questioning.

¹⁸ Unpublished LICADHO monitoring report: KT048LG15.

¹⁹ LICADHO Flash News, "Ratanakiri community reps jailed following unjust conviction", 2 December 2015, <http://www.licadho-cambodia.org/flashnews.php?perm=151>.

²⁰ Unpublished LICADHO monitoring report: KK021IAD15.

²¹ Unpublished LICADHO monitoring report: BM068IAD15 and Cheng Sokhorn, "Incitement charge for effigy protest organiser", The Phnom Penh Post, 17 December 2015.



3 January 2016

Case 22

FORCEFUL BREAK UP OF GATHERING²²

Phnom Penh

INTERFERENCE WITH FREEDOM OF ASSEMBLY – VIOLENCE & ARRESTS

- Approximately 300 union members, garment workers, monks and human rights activists gathered to commemorate the second anniversary of a deadly crackdown on garment worker protests on Veng Sreng Boulevard. The crowd was blocked and dispersed by around 500 riot police, military policemen and para-police forces, armed with shields, sticks and batons. Within the crowd was the President of the informal sector association IDEA, Vorn Pov, against whom the Prime Minister made thinly-veiled threats following his involvement in the anniversary the following day.

1 February 2016

Case 23

EIGHT GARMENT WORKERS AND UNIONISTS ASSAULTED²³

Vihear Suork commune, Khsach Kandal district, Kandal

INTERFERENCE WITH FREEDOM OF ASSEMBLY – VIOLENCE & ARRESTS

- Eight garment factory workers and unionists were attacked with steel pipes, sticks and cleavers by a group of 40 workers and security guards hired by Star Light Apparel Manufacturing (SLAM) factory. The attack occurred when approximately 600 SLAM garment workers and union members of CLSC gathered and protested for better working conditions.

6 February 2016

Case 24

(SEE ALSO CASE 25)

PROTESTORS BEATEN BY ARMED THUGS AND ARRESTED²⁴

Boeung Prolit commune, 7 Makara district, Phnom Penh

INTERFERENCE WITH FREEDOM OF ASSEMBLY – VIOLENCE & ARRESTS

- A dispute between recently unionized, and subsequently fired, employees and their employer, Capitol Tours, took a violent turn when a peaceful strike in front of the company was brutally dispersed by members of the government-organized Cambodia for Confederation Development Association (CCDA). Members of the CCDA wielded metal bars and hammers, brutally injuring some protestors. No members of the CCDA were arrested following the assault but two protestors were arrested and charged, and spent nearly two months in jail before being released on bail.

8 February 2016

Case 25

(SEE ALSO CASE 24)

UNION LEADERS CHARGED²⁵

Boeung Prolit commune, 7 Makara district, Phnom Penh

INTIMIDATION – LEGAL

- Two days after the Capitol protest, four prominent trade union leaders – Cambodian Labour Confederation (CLC) President Ath Thorn, CLC General-Secretary Kong Athit, Independent Democracy of Informal Economy Association Vice-President Sok Chhun Oeung, and Cambodian Transport Workers Federation Secretary Ean Kim Hong, only one of whom was present when the violence took place and none of whom were involved – were all charged with intentional violence, obstructing public officials, and blocking traffic in relation to the protest.

²² Mech Dara, "Police push back rally", The Phnom Penh Post, 4 January 2016; Frontline Defenders, "Case History: Vorn Pao", 13 January 2016.

²³ Unpublished LICADHO monitoring report: PP014PA16.

²⁴ Pech Sotheary, "Protesting Capitol bus drivers attacked", The Phnom Penh Post, 8 February 2016.

²⁵ Niem Chheng, "Capitol protesters charged over brawl", The Phnom Penh Post, 9 February 2016.

9 February 2016

Case 26

UNION MEMBER ARRESTED AND DETAINED, BEATEN FOR CONFESSION²⁶

Roka Thom commune, Chbar Mon district, Kampong Speu

ABUSE OF AUTHORITY – DETENTION & ARREST

- A trade union member was arrested and detained after being accused of incitement to commit a crime following a demonstration by Agile Sweater factory workers who were demanding the release of five members of the Collective Union Movement of Workers. He was arrested as he was driving past Kampong Speu provincial market, and beaten by police to force a confession.

10 February 2016

Case 27

COMMUNITY ACTIVIST INTIMIDATED²⁷

Kampong Cham

ABUSE OF AUTHORITY – OTHER

- A community representative was prevented from distributing International Human Rights Day leaflets and LICADHO reports on land grabbing by a Dambae district military police officer. He had requested the material after attending an ADHOC workshop on land rights.

15 February 2016

Case 28

ENVIRONMENTAL ACTIVISTS CHARGED²⁸

Phnom Penh

INTIMIDATION – LEGAL

- Three activists from NGO Mother Nature were charged with being accomplices to the offense of “threatening to commit destruction followed by an order” under Articles 29 and 424 of the Criminal Code, including two Buddhist monks, Venerable Sok Chantra, formally recorded as the Secretary of Mother Nature, and Venerable Prom Dhammajat, formally recorded as a non-executive Director of the Mother Nature Organization. Neither monk has involvement in the day-to-day activities or campaigns undertaken by Mother Nature nor does either of them exercise any de facto authority. The third member was Alejandro Gonzalez-Davidson, a Spanish citizen and a founder and Director of Mother Nature. The accomplice charges are directly connected to the charges already brought against three other Mother Nature activists, Try Sovikea, Sun Mala, and Sim Samnang.

16 March 2016

Case 29

NGO STAFF PREVENTED FROM TRAINING INDIGENOUS COMMUNITIES²⁹

Ke Chong commune, Bokeo district, Ratanakiri

ABUSE OF AUTHORITY – OTHER

- Staff from the Ratanakiri office of NGO ADHOC were prevented from delivering human rights training to indigenous communities, by a mixed group of 20 policemen and military policemen from both the commune and district levels. The police were led by Bokeo district acting governor, Meas Sareth, and Ke Chong commune chief, Rachom Laiy, who claimed ADHOC did not have permission from local authorities.

²⁶ Unpublished LICADHO monitoring report: KS006IAD16.

²⁷ Unpublished LICADHO monitoring Report: KC010THI16.

²⁸ Joint Statement, “CSOs declare support for Mother Nature and condemn crackdown against the organization”, 15 February 2016, <http://www.licadho-cambodia.org/pressrelease.php?perm=399>.

²⁹ Unpublished LICADHO monitoring report: RK0100FEA16.

27 March 2016

Case 30

ENVIRONMENTAL ACTIVIST ATTACKED²⁷

Prey Lang Forest, Kratie

INTIMIDATION – VIOLENCE

- Environmental activist Phon Sopheak, from the Prey Lang Community Network (PLCN), was attacked with an axe by unknown assailants as she patrolled a section of Prey Lang forest in Kratie province early on Sunday morning. The group had intercepted a number of logging operations during their patrol. Fellow activist Phay Bunleang believed the attack was committed by loggers in retaliation for coercing them to sign agreements promising to halt forestry crimes.

4 April 2016

Case 31

TWO TRADE UNIONISTS BEATEN³¹

Phnom Penh

INTERFERENCE WITH FREEDOM OF ASSEMBLY – VIOLENCE & ARRESTS

- Two trade unionists were injured when a peaceful gathering near Cambodia's National Assembly to protest the draft Trade Union law (TUL), due to be passed that day, was violently broken up by authorities. Police standing nearby did nothing to stop the violence inflicted on unionists by para-police wielding weapons.

25 April 2016

Case 32

POLITICAL ANALYST HIT WITH A DEFAMATION SUIT OVER COMMENTS³²

Phnom Penh

INTIMIDATION – LEGAL

- CPP spokesman Sok Eysan filed a defamation suit against political analyst Ou Virak. The complaint stemmed from an interview with Radio Free Asia in which Ou Virak had allegedly claimed that a scandal involving the CNRP deputy leader had been orchestrated by the CPP. Ou Virak was summonsed for questioning by the Phnom Penh Municipal Court on 12 May.

27 April 2016

Case 33

(SEE ALSO CASES 34, 35, 36, 40)

FOUR ADHOC AND ONE NEC STAFF MEMBERS DETAINED FOR ALLEGED BRIBERY³³

Phnom Penh

INTIMIDATION – LEGAL

- Four ADHOC staff members, Nay Vanda, Ny Sokha, Lim Mony and Yi Soksan, and deputy secretary-general of the NEC and former ADHOC staff member, Ny Chakrya, were summonsed and then detained and questioned for two days at the Anti-Corruption Unit. On 2 May, all five were sent to pre-trial detention by investigating judge, Theam Chanpiseth, who charged the four ADHOC staff with alleged bribery under Criminal Code Article 548, and Ny Chakrya as an accomplice under Articles 29 and 248, in relation to a case against opposition deputy leader Kem Sokha. They were released on bail in June 2017 after more than a year of pre-trial detention.

³⁰ Phak Seangly and Igor Kossov, "Lauded activist attacked while patrolling Prey Lang forest", The Phnom Penh Post, 29 March 2016.

³¹ The Cambodia Daily, "Violence as Assembly Passes Trade Union Law", Kuch Naren and Khuon Narim, 5 April 2016.

³² Ananth Baliga and Meas Sokchea, "PM threatens to use courts to silence pundits, with Virak top of list", The Phnom Penh Post, 26 April 2016; Ananth Baliga and Vong Sokheng, "Political analyst Virak summonsed to court", The Phnom Penh Post, 3 May 2016.

³³ Joint Statement, "CSOs call upon authorities to immediately cease harassment of human rights defenders", 29 April 2016, <https://www.licadho-cambodia.org/pressrelease.php?perm=402>.

9 May 2016

Case 34

(SEE ALSO CASES 33, 35, 36, 40)

EIGHT HUMAN RIGHTS DEFENDERS DETAINED³⁴

Prey Sa commune, Dangkao district, Phnom Penh

ABUSE OF AUTHORITY – DETENTION & ARREST

- Eight human rights defenders including LICADHO's deputy director of advocacy, Thav Kimsan, and the executive director of Sahmakum Teang Tnaut (STT), Ee Sarom, and four land activists were detained for hours after about 300 policemen blocked groups from marching. The forceful break-up was led by municipal police chief Chhuon Sovann, accompanied by municipal deputy prosecutor Sieng Sokh, when groups gathered and attempted to reach CC1 and CC2 prisons to call for the release of five detained human rights defenders. This was the first Black Monday campaign event.

10 May 2016

Case 35

(SEE ALSO CASES 33, 34, 36, 40)

PRESIDENT OF IDEA QUESTIONED BY POLICE³⁵

Teuk Tla commune, Sen Sok district, Phnom Penh

ABUSE OF AUTHORITY – DETENTION & ARREST

- Vorn Pov, the President of informal sector association IDEA, was summonsed for questioning at Teuk Tla commune police station by security department officer Preab Borey, accompanied by municipal deputy police chief, Soem Vuthy. Both accused Vorn Pov of being involved in the printing of black T-shirts for the Black Monday campaign.

16 May 2016

Case 36

(SEE ALSO CASES 33, 34, 35, 40)

LANDS RIGHTS ACTIVISTS DETAINED³⁶

Stung Meanchey commune, Meanchey district, Phnom Penh

INTERFERENCE WITH FREEDOM OF ASSEMBLY – VIOLENCE & ARRESTS

- Five land activists were prevented from holding a Black Monday gathering and detained in Tuol Kork district police station for questioning by district police chief Hun Sothy. They were released hours later after signing a "contract" promising to stop their campaign activities. This pattern was to continue throughout the campaign - within a year, there had been 28 further Black Monday detentions, occurring on 6, 13 and 20 June, 18 July, and 8 and 15 August.

18 May 2016

Case 37

JUSTICE MINISTRY SPOKESPEOPLE THREATEN NGO OVER WEBPAGE³⁷

Phnom Penh

INTIMIDATION – LEGAL

- A Justice Ministry spokesman said in a Facebook post that LICADHO's website on political prisoners contravened articles of the Law on Associations and NGOs relating to political neutrality.

³⁴ Joint Statement, "Civil Society Condemns Escalating Intimidation of Human Rights Defenders", 10 May 2016, <http://www.licadho-cambodia.org/pressrelease.php?perm=405>.

³⁵ Ben Sokhean and Khy Sovuthy, "Police Grill Labor Leader Over 'Black Monday' Shirts", *The Cambodia Daily*, 12 May 2016.

³⁶ LICADHO Flash News, "'Black Monday Campaign' Escalates as Community Reps Detained", 16 May 2016, <http://www.licadho-cambodia.org/flashnews.php?perm=173>.

³⁷ Khun Narim and George Wright, "Rights Group Warned Over 'Political Prisoners' Page", *The Cambodia Daily*, 20 May 2016.

3 July 2016

Case 38

THREE LABOR UNION MEMBERS ARRESTED AND DETAINED³⁹

Dang Tong commune, Dang Tong district, Kampot

ABUSE OF AUTHORITY – DETENTION & ARREST

- Cambodia Federal Labor Union secretary Yon Sambo, and two other Cambodia Federal Labor Union members, So Siden and Meas Tok, were arrested and detained for two days by Kampot provincial police officers. Led by provincial police chief Mao Chanmothorith, the arrest occurred after a strike of approximately 400 workers calling on the company to reinstate two previously-dismissed workers and demanding better working conditions.

10 July 2016

Case 39

(SEE ALSO CASES 52 AND 56)

POLITICAL ANALYST MURDERED³⁸

Phnom Penh

MURDER

- Prominent political analyst Kem Ley was shot dead in a heavily-frequented Caltex petrol station café in central Phnom Penh. The murder came days after Kem Ley spoke on a radio talk show on popular broadcaster Radio Free Asia about a recent report from London-based international organisation Global Witness. Although a show trial of the presumed shooter took place on 1 March 2017, there has still not been a credible or transparent investigation into the murder. The trial deliberately avoided establishing a motive behind the murder, and simply proceeded to try the self-proclaimed shooter while dismissing most of the shooter's own testimony. The verdict was delivered three weeks after the four-hour trial hearing, convicting Oeuth Ang – otherwise known as 'Chuob Samlab' – of premeditated murder as well as illegal possession of a weapon, raising serious concerns about the adequacy of this criminal process.

18 August 2016

Case 40

(SEE ALSO CASES 33, 34, 35, 36)

BOEUNG KAK LAKE REPRESENTATIVES ARRESTED AND IMPRISONED⁴⁰

Srah Chak commune, Daun Penh district, Phnom Penh

INTIMIDATION – LEGAL

- Boeung Kak Lake community representatives Tep Vanny and Bov Sophea were arrested during a peaceful Black Monday ceremony within their Boeung Kak Lake community. Within a week, they had been convicted of "insult" under Article 502 of Cambodia's Criminal Code and sentenced to six days' imprisonment after a trial which violated numerous fair trial rights.

22 August 2016

Case 41

THREE NGO STAFF FOUND GUILTY OF DEFAMATION⁴¹

Phnom Penh

INTIMIDATION – LEGAL

- Eang Vuthy, Chheang Phea and Phen Kimsong, three Equitable Cambodia staff members, were charged and found guilty of defamation under Article 305 the Criminal Code despite the accusations falling outside the scope of Cambodian criminal law. During closing remarks, the prosecutor had informed the trial judge that there was no evidence to support the charge of defamation.

³⁸ Sen David, "Trio jailed for leading Kampot strike action", Phnom Penh Post, 7 July 2016.

³⁹ Joint Statement, "Cambodian Civil Society Condemns Outrageous Murder of Political Analyst Kem Ley", 11 July 2016, <http://www.licadho-cambodia.org/pressrelease.php?perm=406>.

⁴⁰ Joint Statement, "Civil Society Calls for Immediate Release of Boeung Kak Lake Activists", 18 August 2016, <http://www.licadho-cambodia.org/pressrelease.php?perm=407>.

⁴¹ Joint Statement, "Legal Proceedings Against Equitable Cambodia Staff Members", 22 August 2016, <https://www.licadho-cambodia.org/pressrelease.php?perm=408>.

4 September 2016

Case 42

(SEE ALSO CASES 40, 43, 53, 54)

SIX LAND ACTIVISTS AND FOUR BALLOON SELLERS ARRESTED⁴²

Prey Veng commune, Dangkao district, Phnom Penh

INTERFERENCE WITH FREEDOM OF ASSEMBLY – VIOLENCE & ARRESTS

- Six land activists including Nget Khun, 77, and four balloon sellers were arrested and detained in Dangkao district police station by approximately 50 Dangkao para-police officers. The arrest was led by Chhoem Sithy, Dangkao district police chief, when around 100 protesters gathered to protest in front of CC2 prison calling for the release of detained Boeung Kak Lake representative Tep Vanny. The six land activists were detained overnight.

19 September 2016

Case 43

(SEE ALSO CASES 40, 42, 53, 54)

LAND ACTIVISTS CONVICTED⁴³

Phnom Penh

INTIMIDATION – LEGAL

- Four Boeung Kak Lake community representatives – Tep Vanny, Bo Chhorvy, Heng Mom and Kong Chantha – were convicted and sentenced to six months in prison on charges of “obstruction of a public official with aggravating circumstances” and “insulting a public official”, under Articles 502 and 504 of the Criminal Code, in a revived case relating to a 2011 protest. The sentence will not be enforced until appeals are completed.

22 September 2016

Case 44

(SEE ALSO CASE 33)

NEC DEPUTY GENERAL CONVICTED⁴⁴

Phnom Penh

INTIMIDATION – LEGAL

- Ny Chakrya – already in pre-trial detention under spurious bribery charges – was sentenced to six months in prison on charges of “defamation, malicious denunciation, and publication of commentaries intended to unlawfully coerce judicial authorities”, under Articles 305, 311 and 522 of Cambodia’s Criminal Code. The charges stem from Ny Chakrya’s criticism of how a Siem Reap court handled a land dispute in 2015. He had called for trial irregularities to be investigated and for two victims of rights violations – whom the court had jailed – to be released.

10 October 2016

Case 45

(SEE ALSO CASE 51)

HUMAN RIGHTS DEFENDERS BEATEN DURING PEACEFUL MARCH⁴⁵

Phnom Penh

INTERFERENCE WITH FREEDOM OF ASSEMBLY – VIOLENCE & ARRESTS

- Community representative Chan Puthisak was brutally beaten by para-police, who also targeted LICADHO senior staffer, Am Sam Ath, when he attempted to peacefully de-escalate the situation. The head of the para-police unit was observed pointing out both men immediately before the violent assaults. The unprovoked attack occurred during a march to celebrate World Habitat Day and left the human rights monitor and community representative badly injured.

⁴² LICADHO Flash News, “Land activists and balloon sellers detained during peaceful vigil in support for detained fellow activist”, 4 September 2016, <http://www.licadho-cambodia.org/flashnews.php?perm=188>.

⁴³ Ananth Baliga and Lay Samean, “Boeung Kak activists found guilty”, *The Phnom Penh Post*, 20 September 2016.

⁴⁴ Joint Statement, “Civil Society Condemns Conviction of Human Rights Defender Ny Chakrya”, 22 September 2016, <https://www.licadho-cambodia.org/pressrelease.php?perm=409>.

5 November 2016

Case 46

(SEE ALSO CASES 13, 17, 20, 28)

MEETING PREVENTED BY POLICE⁴⁶

Koh Kapi commune, Koh Kong district, Koh Kong

ABUSE OF AUTHORITY – OTHER

- Sun Mala, an activist from NGO Mother Nature, and 18 villagers were prevented from conducting a meeting in a private house to discuss the effect of sand dredging. The meeting was stopped by two police officers on the orders of Koh Kapi commune police chief Khiev Sam Eng, who claimed that victims did not request authorization to conduct the meeting.

15 November 2016

Case 47

AUTHORITIES PREVENT VOTER REGISTRATION EDUCATION⁴⁷

Phnom Penh

ABUSE OF AUTHORITY – DETENTION & ARREST

- Over 60 youth volunteers, including from PDP-Center, YRDP, KYSD, NICFEC, CPWP and SEPY, faced numerous challenges when they attempted to conduct voter registration education and dissemination activities during the Water Festival. Mixed police forces and para-police deployed for Phnom Penh's Water Festival celebrations disrupted and prevented the campaign, despite the volunteers having a permission letter from the Phnom Penh Municipality. On 15 November, police forces detained seven volunteer youths for about three hours, only releasing them after they agreed to thumbprint documents promising to stop the voter registration education and dissemination campaign. Authorities also confiscated the smartphones of two group leaders until they too agreed to thumbprint similar documents.

9 December 2016

Case 48

COMMUNITY BLOCKED FROM HOLDING HUMAN RIGHTS DAY CELEBRATION⁴⁸

Trapeang Bei commune, Chhuk district, Kampot

INTERFERENCE WITH FREEDOM OF ASSEMBLY – NON-VIOLENT

- An International Human Rights Day celebration in Kampot province was shut down by provincial authorities. About 80 community members attempted to gather to discuss human rights in a public forum in Svay Ang, Kampot. A group of local authorities, led by a Chhouk district official, ordered the villagers to halt the forum and dismantle the meeting tent after Kampot's governor claimed the group required permission to hold their event.

26 December 2016

Case 49

ACTIVIST PREVENTED FROM DISTRIBUTING LEAFLETS⁴⁹

Chey Otdam commune, Lumphat district, Ratanakiri

ABUSE OF AUTHORITY – OTHER

- A human rights activist was prevented from distributing leaflets from NGO ADHOC about voter rights by village chief Kang Khiev, accompanied by the commune and district council chief. He was threatened with arrest until the local ADHOC coordinator informed the commune chief that it was not an opposition leaflet, and told that if he wanted to distribute any other leaflets relating to the election, he had to inform local authorities first.

⁴⁵ Joint Statement, "World Habitat Day Marred by Brutal Beatings of Human Rights Defenders", 10 October 2016, <https://www.licadho-cambodia.org/pressrelease.php?perm=410>

⁴⁶ Unpublished LICADHO monitoring report: KK0290FEA16.

⁴⁷ Joint Statement, "Civil Society Deeply Concerned by Actions Taken to Disrupt, Prevent and Halt Voter Registration Campaigns During Water Festival", 25 November 2016, <https://www.licadho-cambodia.org/pressrelease.php?perm=412>.

⁴⁸ LICADHO Flash News, "International Human Rights Day Event Shut Down by Kampot Authorities", 9 December 2016, <http://www.licadho-cambodia.org/flashnews.php?perm=199>

⁴⁹ Unpublished LICADHO monitoring report: RK0040FEA17.

29 December 2016

Case 49

NGO THREATENED OVER REPORT ON CHILD LABOUR AND DEBT BONDAGE⁴⁹

Phnom Penh

INTIMIDATION – LEGAL

- Labour Minister Ith Sam Heng accused LICADHO of publicising its research on child labour and debt bondage in brick factories before sharing it with the Ministry, warning that the Ministry would take action if claims were found to be false. Nearly two months later, in February 2017, he threatened legal action against LICADHO in relation to the same report, accusing the organisation of exaggerating the issue and fabricating claims.

8 February 2017

Case 51

(SEE ALSO CASE 45)

HUMAN RIGHTS DEFENDERS SUMMONSED AS SUSPECTS⁵¹

Phnom Penh

INTIMIDATION – LEGAL

- Human rights defenders Chan Puthisak and Am Sam Ath were summonsed by a Phnom Penh Municipal Court prosecutor in relation to violence which occurred in October 2016 when para-police broke up a peaceful World Habitat Day march. LICADHO Monitoring Manager Am Sam Ath and Boeung Kak Lake community representative Chan Puthisak were both questioned for about an hour and a half as people from local communities and other grassroots groups, NGOs and media gathered outside the court.

17 February 2017

Case 52

(SEE ALSO CASES 38 AND 56)

POLITICAL ANALYST CHARGED⁵²

Veal Vong commune, 7 Makara district, Phnom Penh

INTIMIDATION – LEGAL

- Political analyst Kim Sok was charged with incitement and defamation under Articles 305, 494 and 495 of the Criminal Code and brought to CC1 prison in relation to a five-day-old complaint brought against him by Prime Minister Hun Sen. He was charged and sent to pre-trial detention by Phnom Penh investigating judge Rouss Phiset following hours of questioning by prosecutor Seang Sok. The case is the first of two lawsuits the Prime Minister brought against Kim Sok in relation to comments made by the political analyst about the murder of Kem Ley, who was killed last July. The second lawsuit - also alleging defamation and incitement - was lodged after Kim Sok took to the radio to explain his earlier comments. A conviction for incitement carries a jail sentence of six months to two years. The Prime Minister has also asked for compensation in both complaints, totalling USD\$502,500.

⁴⁹ Khuon Narim, "Labor Minister Ups Ante Over Child Labor Claims, Warns of Jail", *The Cambodia Daily*, 17 February 2017; Ben Sokhean, "Minister Warns NGO Over Brick Kilns Report", *The Cambodia Daily*, 30 December 2016.

⁵¹ Joint Statement, "Human Rights Defenders Summoned as 'Suspects' after Being Beaten by Para-Police", 7 February 2017, <http://www.licadho-cambodia.org/pressrelease.php?perm=417>.

⁵² LICADHO Flash News, "Political Analyst Kim Sok Charged, Sent to Pre-Trial Detention", 17 February 2017, <http://www.licadho-cambodia.org/flashnews.php?perm=208>.

23 February 2017

Case 53

(SEE ALSO CASES 40, 42, 43, 54)

COMMUNITY ACTIVISTS BEATEN⁵³

Veal Vong commune, 7 Makara district, Phnom Penh

INTERFERENCE WITH FREEDOM OF ASSEMBLY – VIOLENCE & ARRESTS

- 7 Makara district para-police violently dispersed a group of around 35 women and children from land communities across Phnom Penh who were sitting peacefully outside the court during a trial of community representative Tep Vanny. Para-police tried to forcibly drag the supporters away from the court. When they resisted the violent removal, para-police attacked them and dragged them across the floor, injuring three women – two women from Boeung Kak Lake community and a woman from Borei Keila community.

23 February 2017

Case 54

(SEE ALSO CASES 40, 42, 43, 53)

COMMUNITY REPRESENTATIVE CONVICTED AGAIN⁵³

Phnom Penh

INTIMIDATION – LEGAL

- The Phnom Penh Municipal Court sentenced Boeung Kak Lake community representative Tep Vanny to two and a half years' imprisonment on a politically-motivated charge of "intentional violence with aggravating circumstances" relating to a 2013 protest in which she was accused of beating para-police.

9 March 2017

Case 55

ACTIVISTS' ONLINE ACCOUNTS HACKED⁵⁵

Phnom Penh

ABUSE OF AUTHORITY – OTHER

- The social media and email accounts of prominent human rights defenders were interfered with by unknown assailants in a sustained wave of hacks starting in the first quarter of 2017. Victims of the hacks include Venerable Luon Sovath, Chan Puthisak and Bov Sophea.

12 March 2017

Case 56

(SEE ALSO CASES 38 AND 52)

YOUTHS ARRESTED FOR SCREENING VIDEO⁵⁶

Tuol Sanke commune, Russei Keo district, Phnom Penh

INTERFERENCE WITH FREEDOM OF ASSEMBLY – VIOLENCE & ARRESTS

- Four youths - Moung Sony, Soung Neakpoan, Vorn Channout and Heng Samnang - were arrested and detained for three hours after police and para-police shut down a private screening of an Al Jazeera documentary on the murder of political analyst Kem Ley. The documentary screening was due to be held in the private office of the Khmer Student Intelligent League Association (KSILA), an organisation of youth activists and analysts. There were around 15 people waiting to watch the documentary when approximately 50 armed police and para-police surrounded the office and arrested the four youths. The four - all members of KSILA - were released at around 6pm, only after signing an agreement promising not to screen the film again without permission from authorities.

⁵³ Joint Statement, "Tep Vanny Convicted Again as Para-Police Attack Supporters", 23 February 2017, <http://www.licadho-cambodia.org/pressrelease.php?perm=418>.

⁵³ Sek Odom and George Wright, "Leading Land Activist Jailed Amid Attacks On Dissenters", *The Cambodia Daily*, 24 February 2017.

⁵⁵ Ben Paviour, "Surveillance State", *The Cambodia Daily*, 7 April 2017 <https://www.cambodiadaily.com/weekend/surveillance-state-127681/>.

⁵⁶ LICADHO Flash News, "Four Youths Detained as Documentary Screening Shut Down", 12 March 2017, <http://www.licadho-cambodia.org/flashnews.php?perm=211>.

