

## Joint Statement Condemning Baseless Convictions and Violence Against Human Rights Defenders

May 24, 2012 – Shortly after a joint statement condemning the violent and arbitrary arrest of 13 women from the Boeung Kak community, Housing Rights Task Force (HRTF), Sahmakum Teang Tnaut (STT), Equitable Cambodia, Cambodian League for the Promotion and Defense of Human Rights (LICADHO), Community Legal Education Center (CLEC), Inclusive Development International (IDI), and Licadho Canada express their outrage at the baseless criminal convictions of the women and the utter travesty of justice that occurred today.



**Children crying after their mothers, who are detained inside the courtroom.**

After being detained for two nights, the women were woken before 5 am today and taken to the Phnom Penh Municipal Court. Their lawyers and the community had not been informed in advance of this unusually early transfer.

Approximately 100 of the women's community and family members soon gathered at the courthouse to show their support. They were quickly surrounded by a force of over 120 local police and riot police. The area surrounding the court was then sealed off, with police blockades set up over several blocks, preventing access for additional observers and media.

Around noon, word emerged that the 13 women were to be charged under articles 34 and 259 of the 2001 Land Law, and article 504 of the Penal Code. Article 34 of the Land Law states that any "illegal occupant" of certain property shall be subject to article 259, which provides for imprisonment of one to five years and fines from 5-50 million Riel (US\$1,250 - US\$12,500). Penal Code article 504 describes the crime of obstruction of public officials with aggravating circumstances. It carries fines from 1-2 million Riel (US\$250- US\$500) and imprisonment from six months to one year.

There is no basis for the "illegal occupant" charge against these women. Since August 2011, when Prime Minister Hun Sen issued a sub-decree granting 12.44 hectares of the Boeung Kak Lake area to the remaining resident families, the entire community has been consistently calling on the government to mark the boundaries of the land they were given. They have organized marches and written multiple letters and petitions seeking to resolve the land dispute. One

defendant was even wearing a shirt bearing the plea to please demarcate the 12.44 hectares today.

The authorities have refused or ignored all of the residents' demarcation requests. Lakeside families have thus been left without clear knowledge of the boundaries of the 12.44 hectare area.

As for the obstruction charge, it requires proof of violent resistance against an official who is trying to enforce a law or a proper government order. As video from the events on May 22 shows, the demonstration was entirely peaceful. The demonstrators were harassed and intimidated by a sizeable police force for hours before the 13 women were violently arrested, as they sat singing on the empty sand where 18 families' homes used to be located. There is no indication that the police were acting within the scope of their duties, or enforcing a law or proper government order.

Regardless, the trial began this afternoon before presiding judge Pou Phov Soeun approximately one hour after the Phnom Penh prosecutor filed these spurious charges. The prosecutor had first begun interviewing the women just three hours earlier.

The 13 women's lawyers immediately requested a delay to allow for them to prepare their defense – a delay they are unequivocally entitled to under Cambodia's Code of Criminal Procedure articles 34 and 304. Although the law does not provide for judicial discretion upon such a request, it was denied. The lawyers then requested the case file and evidence, which the law also expressly entitles them to review. Again the request was denied.

The defense lawyers then made a request to bring witnesses – again their right under the law. Four such witnesses stood ready to testify, just behind the police line in front of the courthouse. This request was also denied.

By 5:30 pm, all 13 women had been sentenced to 2.5 years in prison. The 72-year-old, Nget Khun, had 1.5 years of her sentence suspended. Five others had 6 months of their sentences suspended. The main, most active representatives received the full sentence. The sentences appear directly related to the level of activism engaged in by the women.

By the time the 13 women were taken from the court, around 200 mixed police lined their path in a staggering show of force. There is little doubt this unprecedented display was intended to intimidate the community members and observers in front of the courthouse.

During the trial, the police arrested two more Boeung Kak lake community representatives, Sao Sareoun and Ly Chanary. Both were prepared to testify as

witnesses for the 13 women who were on trial. Their trial began immediately after the verdict for the first trial was announced. This second trial was suspended around 6:30 pm. The whereabouts of Sareoun and Chanary are currently unknown.

"This was nothing short of a show trial – a complete charade," said Sia Phearum, Secretariat Director of HRTF. "The women were peacefully demonstrating, continuing their struggle to have their land clearly marked according to the 12.44 hectare sub-decree. They were seeking an end to the ongoing dispute surrounding Boeung Kak lake."

"The speed with which the trial began and ended, and the court's refusal to follow Cambodian law, reveals a complete disregard for the fundamental rights of Cambodian citizens," said Naly Pilorge, Director of LICADHO. "Under no circumstances should an individual be required to defend themselves against serious felony charges within an hour of them being filed. This was a travesty."

As the women faced unjustifiable charges inside, the crowd of supporters waiting in front of the courthouse were outnumbered and intimidated by the large police force. Among the observers stood Venerable Luon Sovath, a tireless human rights defender and Cambodian monk who is currently one of three nominees for the prestigious 2012 Martin Ennals Award for Human Rights Defenders.

Just after 10 am, Venerable Sovath was violently accosted by religious officials and men in plain clothes, wrestled into a waiting vehicle with the help of police, and whisked away to Wat Botum in Phnom Penh. He was detained until about 8 pm, before being released. A video of his assault is available here: <http://youtu.be/0sG6iLwj95o>.

The undersigned organizations call for an end to violent responses to peaceful demonstrations; and for the authorities to drop the charges, vacate the unjustified and improper convictions, and immediately release: Nget Khun; Tep Vanny; Kong Chantha; Srong Srey Leap; Tho Davy; Chan Navy; Ngoun Kimlang; Pao Saopea; Cheng Leap; Soung Samai; Phan Chan Reth; Heng Mom; Toul Srey Pov; Sao Sareoun; and Ly Chanary; Sao Sareoun; and Ly Chanary.

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