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Ms. Farida Shaheed
Independent Expert in the field of cultural rights
Chair, Coordination Committee of Special Procedures

22 June 2012

Dear Ms. Farida Shaheed:

Re: Request for a joint statement by UN Special Procedures Mandate Holders concerning the Boeung Kak Lake human rights defenders

We, the undersigned human rights organisations, are writing to encourage you to release an urgent joint statement in relation to the 'Boeung Kak Lake 15'.

The 'Boeung Kak Lake 15' refers to 15 land and housing rights activists (14 women and one man) who have been actively protesting the forced evictions of the Boeung Kak Lake community in Phnom Penh, Cambodia. Thirteen women protesters were arrested on May 22, 2012 during a peaceful protest on the site of demolished homes at the former lake. On May 24, just 48 hours after their arrests, all 13 were subjected to an approximately three-hour long mass trial. The women's lawyers' requests for time to prepare the case, examine the case file, speak with their clients, and call witnesses were all denied. These fair trial rights are not only expressly guaranteed under Cambodia's own Constitution and Code of Criminal Procedure, they are also guaranteed under international treaties, which Cambodia has ratified.

Two additional community representatives who were prepared to testify on behalf of the 13 women were arrested outside the court room during the trial. They were charged with the same crimes, and also detained.

Immediately upon the conclusion of the May 24 trial, all 13 women received sentences of 2.5 years each, with some portions of six of their sentences suspended. The two representatives arrested during the trial have recently been released and are under judicial supervision awaiting their trial. Further details about the case can be found in the briefing paper attached to this letter.

An appeal hearing for the 13 has been set for June 27. We are of the view that strong international pressure and interest in the case will improve the women's chance of receiving a fair trial. Moreover,

we consider that the case against the women should in fact be dismissed and that they should be immediately and unconditionally released.

An urgent joint statement from UN Human Rights Council special procedures mandate holders would send a clear message that the international community is monitoring the case.

We also ask that your statement address the overlapping violations that have occurred to date including, *inter alia*, the rights to: a fair trial (and to prepare and present a defence); substantive equality and non-discrimination; adequate housing (including secure tenure); food and water security; adequate healthcare; education; decent work; security; freedom from cruel, inhuman and degrading treatment; freedom of expression; freedom of movement; and freedom of association and peaceful assembly.

Suppression of activists and community members opposing forced evictions and land grabbing appears to be increasing. Should the convictions of the 13 Boeung Kak Lake activists stand; the case will serve as a warning to other human rights defenders and embolden those governments, corporations and individuals perpetrating forced evictions and other human rights violations.

We sincerely appreciate the attention that a joint statement would bring to the case and the contribution it would make in the defence of human rights.

For more information including articles, photos and video, please visit The Cambodian League for the Promotion and Defense of Human Rights (LICADHO) website: <http://www.licadho-cambodia.org/> and the Free the 15! Blog: <http://freethe15.wordpress.com>.

Sincerely,

Kate Lappin
Regional Coordinator
Asia Pacific Forum on Women, Law and
Development (APWLD)

Brittis Edman
Southeast Asia Programme Director
Civil Rights Defenders

Daniel Calingaert
Vice President, Policy and External Affairs
Freedom House

Yvette J. Alberdingk Thijm
Executive Director
WITNESS

Donna J Guest
Deputy Director, Asia Pacific
Amnesty International

Brad Adams
Director, Asia Division
Human Rights Watch

Yap Swee Seng
Executive Director
Asian Forum for Human Rights and Development

Copy Furnished to Members of the Coordination Committee of the Special Procedures:

Michel Forst, Independent Expert on Haiti

Juan Mendez, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Kamala Chandrakirana, Working Group on the issue of discrimination against women in law and in practice

Jeremy Sarkin, WG on enforced or involuntary disappearance

Najat Maala M'jid, Special Rapporteur on sale of children, child prostitution and child pornography

Jane Connors, Chief, Special Procedures Branch, Office of the United Nations High Commissioner for Human Rights



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LICADHO

CAMBODIAN LEAGUE FOR THE PROMOTION
AND DEFENSE OF HUMAN RIGHTS

Mailing Address: P.O. Box 499

Phnom Penh, Cambodia

Main Office: #16, Street 99

Khan Chamkar Morn, Phnom Penh

Fax: (855) 727 102/217 626

Website: <http://www.licadho-cambodia.org>

E-mail: contact@licadho-cambodia.org

Threats Against Human Rights Defenders Boeung Kak Lake Land Case and Venerable Luon Sovath

May 28, 2012- In 2007, almost 4,000 families living around Boeung Kak Lake were stripped of their housing rights when the Cambodian government leased Boeung Kak Lake to Shikaku Inc, owned by ruling CPP senator and businessman Lao Meng Khin. Since then, Shikaku and authorities' campaign of intimidation has coerced more than 3,000 families off their land with little to no compensation.

In August 2011, the World Bank announced that it had frozen government funding until a solution was found for the lakeside families. One week after the announcement, Prime Minister Hun Sen granted 12.44 hectares of the area to the remaining 799 families. Since then, the entire community has been consistently calling on the government to mark the boundaries of the land they were given. The authorities refused or ignored all of the residents' demarcation requests.

Meanwhile, violence and intimidation against the Boeung Kak Lake community continued, including particularly violent crackdowns on peaceful protests throughout 2011 and 2012. Venerable Luon Sovath, a Cambodian monk and tireless human rights defender who began taking action in land rights cases when land-grabbing hit his home village in Siem Reap's Chi Kreng district in March 2009, was involved in many of these demonstrations, assisting the community in their lobbying efforts.

On May 22nd 2012, a group of around 80 Boeung Kak residents gathered on the sand dunes covering their homes on the lakeside village. There, they staged a peaceful demonstration, complete with singing and speeches. A mixed force of police and district guards, who proceeded to violently put a stop to the singing, surrounded the group of women. As the demonstrators dispersed, they were chased down by authorities who arrested 13 women: 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; and Toul Srey Pov.

Their trial began on 24th May, two days after their arrest, and just one hour after spurious charges, (article 34 & 259 of the Land Law & article 504 of the Penal Code) against them had been filed. Requests by lawyers for a trial delay to allow them to prepare their defense, review the case file and evidence, and bring in witnesses were all denied. By 5:30 pm, all 13 women - including one 72-year-old - had been sentenced to 2.5 years in prison with some of the sentences suspended for 6 of them. During the trial, the police arrested two more community representatives, Mr. Sao Sareoun and Ms. Ly Chanary who were later charged . Both were prepared to testify as witnesses for the 13 women who were on trial. The two are currently in pre-trial detention in CC1 and CC2 prisons.

Among the observers outside the trial was Venerable Luon Sovath, who knew the 13 women well through his advocacy assistance and support in their land struggle. Just after 10 am the same day as the trial, Venerable Sovath was violently accosted by religious officials and men in plain clothes, wrestled into a waiting vehicle with the help of police, and taken to Wat Botum in Phnom Penh. Venerable Sovath was later released after being forced to sign a document stating that he would no longer continue his advocacy efforts. The following day, in a further act of intimidation by authorities, Venerable Sovath was shown official documents stating that in March 2012 he had been charged in absentia of incitement under Article 495 of the Penal Code in relation to his support of threatened and evicted communities. Venerable Sovath continues with his activism nonetheless, attending ongoing solidarity events where activists, students, NGOs and informal groups joined the families of the 15 detained BKL residents to protest their unjust incarceration.

Free The 15 BKL Representatives! Stop The Violence!