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FOR IMMEDIATE RELEASE

29 May 2012

H.E. Hun Sen
Prime Minister
Kingdom of Cambodia

Subject: INGO Letter: Vacate convictions against BKL human rights defenders

Your Excellency,

We, the undersigned regional and international non-governmental organizations, write to express our grave concerns regarding the arbitrary arrest and mistreatment of 13 women human rights defenders at the Boeung Kak Lake (BKL) development site in Phnom Penh on May 22, 2012. We strongly condemn their prosecution on trumped-up charges and summary trial, just 48 hours later, resulting in their conviction and sentencing to lengthy prison terms. Actions by the Phnom Penh prosecutor and Phnom Penh Municipal Court to charge and try the women in one day, while denying defense lawyers requests for time to prepare their cases or call defense witnesses, were in clear violation of Cambodia's Code of Criminal Procedure and international fair trial standards. The Cambodian government should immediately and unconditionally vacate these convictions and release these 13 women, plus two community representatives arrested later, who have been imprisoned solely for expressing their views and engaging in peaceful assembly.

On May 22, about 80 residents of Boeung Kak Lake gathered peacefully and sang land rights songs in support of 18 families who sought to mark the boundaries of their now demolished homes. The

community has consistently requested that the authorities complete demarcating the area included in an August 2011 decree granting residents still residing in the area 12.44 hectares of land. Over 600 families have since been granted land titles, including several of the women who were arrested, but many families are still waiting. The community's requests for complete demarcation of the 12.44 hectares have gone unanswered.

As the hours passed, most of the gathered residents moved into the shade. A small core group remained on the sand lot where the lake used to be. At about 11:30 a.m., approximately 200 Phnom Penh police, and 'anti riot police', carrying shields and sticks, who had been present throughout the morning, began to surround the small group of women who were singing peacefully. Police and district security guards then arrested 13 women, manhandled them into police trucks and vans, and detained them at Phnom Penh police headquarter. Those detained were: 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.

On the afternoon of May 24, all 13 women were charged, tried, convicted, and sentenced under articles 34 and 259 of the Land Law and article 504 of the Penal Code. According to article 34, a new occupant of public property who has no title is considered an illegal occupant subject to penalties under article 259. Article 504 prohibits obstruction of public officials with aggravating circumstances. The court sentenced all 13 women to 30 months in prison, including 72-year-old grandmother Nget Khun. Six had parts of their sentences suspended.

The trial failed to meet even the most rudimentary fair trial standards, in violation of Cambodia's obligations under the International Covenant on Civil and Political Rights (ICCPR), to which Cambodia is a state party. The defense lawyers' request for the case files was rejected, as was their request for time to prepare a defense. They were also refused the right to call defense witnesses, though several were ready to testify just outside the court. These are all clear violations of not only international fair trial standards, but also Cambodia's Code of Criminal Procedure.

The right to a fair trial is provided under article 14 of the ICCPR, which states that "all persons shall be equal before the courts and tribunals [and] shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal." The defendants did not have adequate time and facilities to prepare a defense, as required by article 14(3) (b) of the ICCPR. The United Nations Basic Principles on the Role of Lawyers provides: "It is the duty of the competent authorities to ensure lawyers access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients." And the defendants were denied the right to call and examine witnesses on their behalf. Article 14(3) (e) of the ICCPR states that criminal defendants have the right to "examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him."

Later on the afternoon of May 24, two additional Boueng Kak lake representatives, Mr. Sao Sareoun and Ms. Ly Chanary, were arrested and charged with the same crimes. Both remain in pre-trial detention as of this letter.

We also remain deeply concerned with the situation of the Venerable Loun Sovath, a prominent human rights defender who has steadfastly supported peaceful land and housing rights advocates. At approximately 10 a.m. on May 24 in front of the Phnom Penh courthouse, authorities in civilian dress, later backed by police, surrounded Venerable Loun Sovath, forced him into a Land Cruiser, and drove away. Ven. Loun Sovath is the recipient of the prestigious Hellman-Hammett Award, and is a finalist for this year's Martin Ennals Award for Human Rights Defenders. He was held incommunicado at Botum

Pagoda in Phnom Penh and released 10 hours later, after being forced to sign a document stating that he would no longer continue his advocacy efforts.

We strongly urge the Cambodian government to vacate the convictions and drop these unfounded charges against these 15 Human Rights Defenders and unconditionally release them immediately. The Cambodian government should also take the necessary steps to protect the fundamental rights to freedom of expression and peaceful assembly in Cambodia, as defined by articles 19 and 21 of the ICCPR.

Thank you and we look forward to hearing from you.

Sincerely yours,

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Asian Forum for Human Rights and Development (FORUM-ASIA)

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Cc

H.E. Hor Nam Hong, Deputy Prime Minister and Foreign Minister, Kingdom of Cambodia

H.E. Ang Vong Vathna, Minister of Justice, Kingdom of Cambodia

H.E. Sar Kheng, Minister of Interior, Kingdom of Cambodia

H.E. Lao Meng Khin, Senator, Cambodian People's Party, Kingdom of Cambodia

H.E. Kep Chutema, Governor, Phnom Penh, Kingdom of Cambodia