

URGENT ACTION

WOMEN DEFENDERS AND BUDDHIST MONK SENTENCED

Seven women housing rights defenders from the Boeung Kak community in Cambodia's capital Phnom Penh have been sentenced to a year in jail after a street protest on 10 November. Three more women and a Buddhist monk were also sentenced to one year's imprisonment after protesting outside the court to call for the seven women's release.

On 10 November, desperate residents from the capital's Boeung Kak community gathered outside Phnom Penh City Hall to hold a peaceful protest about flooding in their neighbourhood, including sewage water, which they say the authorities have done nothing to address. During the protest a bed frame was pulled into the road and scuffles broke out as district public order guards removed it. Seven women housing rights defenders were arrested and detained overnight at traffic police headquarters. The next day, the seven were brought to the Phnom Penh Municipal Court where they were charged with obstructing traffic under Article 78 of the Traffic Law. They were tried, convicted, and each sentenced to one year's imprisonment and fined an equivalent to USD 500. The trial lasted less than three hours. The seven women are **Nget Khun, Tep Vanny, Song Srey Leap, Kong Chantha, Phan Chhunreth, Po Chorvy** and **Nong Sreng**.

During the seven women's trial on 11 November, three more women housing rights defenders – **Heng Pich, Im Srey Touch** and **Phuong Sopheap** – and a Buddhist monk, **Soeung Hai**, were arrested outside the court while peacefully protesting with others to call for the seven's release. On 12 November, the four were charged with obstructing a public official with aggravating circumstances under Article 504 of the Penal Code. After a trial lasting around three hours, they were each convicted and sentenced to one year in jail and a fine equivalent to USD 500.

Amnesty International considers that the 11, who had peacefully exercised their human right to freedom of assembly, should never have been prosecuted in the first place, let alone in summary, unfair trials. The authorities have abused the Traffic Law and Penal Code, using criminal charges to suppress peaceful dissent. They should have respected, protected and facilitated the exercise of the protesters' right to freedom of peaceful assembly in compliance with Cambodia's obligations under international human rights treaties and Cambodia's Constitution.

Please write immediately in Khmer, English, French or your own language, calling on the authorities to:

- Immediately and unconditionally release Nget Khun, Tep Vanny, Song Srey Leap, Kong Chantha, Phan Chhunreth, Po Chorvy, Nong Sreng, Heng Pich, Im Srey Touch, Phuong Sopheap and Soeung Hai, as they have been convicted and jailed for simply exercising their right to freedom of peaceful assembly;
- End the use of criminal charges to intimidate and punish peaceful protesters;
- Finally resolve the situation caused by the forced eviction of the Boeung Kak community and filling in of Boeung Kak Lake, including by addressing the problems around flooding, drainage and sewage.

PLEASE SEND APPEALS BEFORE 26 DECEMBER 2014 TO:

Minister of Interior and Deputy Prime

Minister

Sar Kheng

#75 Norodom Blvd

Khan Chamkarmon

Phnom Penh, Cambodia

Fax: + 855 23 880 624

Email: moi@interior.gov.kh

Salutation: **Your Excellency**

Minister of Justice

Ang Vong Vathana

No. 240 Sothearos St 3

Phnom Penh, Cambodia

Fax: + 855 23 880 624

Email: ocm@cambodia.gov.kh

Salutation: **Your Excellency**

Minister of Foreign Affairs and

International Cooperation

Hor Nam Hong

No. 3 Samdech Hun Sen Street

Khan Chamkar Mon

Phnom Penh, Cambodia

Fax: + 855 23 216 141

Email: mfaic@mfa.gov.kh

Salutation: **Your Excellency**

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

**AMNESTY
INTERNATIONAL**



Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

The 10 women and Buddhist monk were taken immediately after the court hearings to Prey Sar CC2 and CC1 prison, respectively, on the outskirts of Phnom Penh. It is understood that Buddhist monk Soeung Hai, who was defrocked for the court hearing, may face additional charges.

Amnesty International considers that the 11 individuals who have been imprisoned should never have been prosecuted in the first place. They were simply exercising their human right to freedom of peaceful assembly, which is provided for under the International Covenant for Civil and Political Rights, to which Cambodia is a state party, and the Cambodian Constitution. The Cambodian authorities are legally obliged to respect, protect and facilitate the exercise of this right. In particular, the Special Rapporteur on the rights to freedom of peaceful assembly and of association has noted that "the free flow of traffic should not automatically take precedence over freedom of peaceful assembly" and stated that "spaces in the vicinity of iconic buildings ... should also be considered public space, and peaceful assemblies should be allowed to take place in those locations."

The arrests of the 11 protesters come during a year in which freedom of peaceful assembly in Cambodia has been severely restricted. On 5 January 2014, the Ministry of Interior announced that demonstrations "must be provisionally suspended" following a three-day government crackdown against protests from 2 to 4 January that resulted in 23 arrests and at least four deaths. Requests from individuals and groups for permission to hold gatherings in Phnom Penh were repeatedly denied and on 30 April, Phnom Penh's Freedom Park – an area specifically designated for assemblies under the Law on Peaceful Demonstrations – was barricaded shut. Those who tried to gather despite the ban were violently dispersed by security forces. Restrictions on freedom of peaceful assembly were briefly loosened and Freedom Park reopened in August following a political agreement reached between the government and the main opposition party the month before. Actions by the Cambodian authorities from 10 to 12 November may signify a renewed crackdown on freedom of peaceful assembly.

Thousands of people have been forcibly evicted from their homes on and around Boeung Kak Lake in Phnom Penh since 2007, when the land was leased to a company for development. In August 2011, the Prime Minister allocated 12.44 hectares of the land for onsite housing for the more than 900 families who remained. Although most of the families have now received land titles, protests have continued for the dozens who have been excluded. The former lake was also filled in with sand, which has led to serious flooding in the neighbourhood during periods of heavy rain.

Women from the Boeung Kak community have been at the forefront of campaigning and protests to secure land titles for Boeung Kak residents and to draw attention to other social issues. Representatives from the community have been arrested and imprisoned on a number of occasions for their peaceful activism. The latest prosecutions are reminiscent of the speed of the legal proceedings in May 2012, when 13 women protesters, including five of those imprisoned this week – **Nget Khun, Tep Vanny, Song Srey Leap, Kong Chantha, Phan Chhunreth** – were arrested during a peaceful protest to support families whose homes had been destroyed in forced evictions. They were sentenced to two-and-a-half years in prison after a summary trial. On 27 June 2012, the Court of Appeal upheld the criminal convictions but suspended the remainder of the women's prison sentences. See *Cambodia: Imprisoned for speaking out – Update on Phnom Penh's Boeung Kak Lake*, <http://www.amnesty.org/en/library/info/ASA23/010/2012/en>.

Name: Nget Khun, Tep Vanny, Song Srey Leap, Kong Chantha, Phan Chhunreth, Po Chorvy, Nong Sreng, Heng Pich, Im Srey Touch and Phuong Sopheap (f), Soeung Hai (m)
Gender m/f: both

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