

KHM 004 / 0812 / OBS 075

Judicial harassment

Cambodia

August 16, 2012

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), requests your urgent intervention in the following situation in **Cambodia**.

Description of the situation:

The Observatory has been informed by reliable sources of a citation to appear in court issued against Mr. **Chan Soveth**, Senior Investigator and Deputy Head of the Monitoring Section of the Cambodian Human Rights and Development Association (ADHOC).

According to the information received, on August 9, 2012, the Phnom Penh Municipal Court issued a citation summoning Mr. Soveth to appear before an investigating judge on August 24, 2012.

Mr. Soveth was charged with “providing assistance to the perpetrator” of a “crime” under Article 544 of the Cambodian Criminal Code, and faces an imprisonment sentence of one to three years and a fine of two million to six million Riels.

Exact details behind this charge have not yet been disclosed by the government, but they appear to be connected to a long-standing land dispute in Kratie province. On May 16, 2012, the government sent in hundreds of armed security personnel, supported by helicopters, to evict villagers who were living in an area in Kratie province marked for development by a Russian company. During the eviction, Ms. Heng Chantha, a 14-year-old girl, was shot dead. Government officials later justified the operation by claiming the villagers, some of whom are members of the Independent Democrats Association, were part of a secession movement. ADHOC released a statement on May 17 and condemned the killing of the young girl¹. It is believed that the charges against Mr. Soveth are linked to his sheltering of a land activist involved in this issue. The court citation was signed on August 9, 2012, just eight days after Prime Minister Hun Sen made accusatory references in a nationally televised speech to an unnamed “human rights worker” for his role in providing assistance to villagers in relation to this land dispute.

The Observatory recalls that ADHOC has been repeatedly harassed by the government in recent years. In July 2012, armed police officers raided a training session on land rights organised jointly by ADHOC and the Cambodian Centre for Human Rights (CCHR) in Rattanakiri province². Moreover, Mr. Soum Chankea, ADHOC’s Provincial Coordinator in Banteay Meanchey province, faced spurious charges of defamation, which the court eventually dropped in June 2012. Furthermore, in January 2011, Mr. Sam Chankea, ADHOC’s coordinator in Kampong Chhnang province, was convicted of defamation, in connection to a critical statement he made about land-grabbing by a Cambodian company during an interview with Radio Free Asia in December 2009³.

¹ During the eviction, Ms. Heng Chantha, a 14-year-old girl, was shot dead. Government officials later justified the operation by claiming the villagers, some of whom are members of the Independent Democrats Association, were part of a secession movement. ADHOC released a statement on May 17 and condemned the killing of the young girl.

² See Observatory Urgent Appeal KHM 003 / 0712 / OBS 073

³ See Observatory Urgent Appeals KHM 001 / 0111 / OBS 002 and KHM 001 / 0111 / OBS 002.1

On July 2012, independent radio station owner Mr. Mam Sonando was arrested and is currently in pre-trial detention in Phnom Penh, facing charges of 'secession' in relation to the same land dispute in Kratie⁴. The government has yet to present any credible evidence substantiating its claims that a secessionist movement exists in Kratie.

The Observatory expresses its deepest concern about these acts of judicial harassment of Mr. Chan Soveth, since they seem to merely aim at hindering his human rights activities, in a context of continued governmental harassment against human rights defenders, including against other ADHOC members. The Observatory therefore calls upon the Cambodian authorities to stop any judicial actions against Mr. Chan Soveth aimed at curbing his legitimate human rights work and to put an end to all acts of harassment against him as well as against all human rights defenders in Cambodia.

Actions requested:

Please write to the Cambodian authorities and ask them to:

- i. Put an end to all acts of harassment – including at the judicial level – against Mr. Chan Soveth as well as against all human rights defenders and their organisations in Cambodia;
- ii. Guarantee in all circumstances the physical and psychological integrity of all human rights defenders and their organisations in Cambodia;
- iii. Conform with the provisions of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly, and in particular :
 - Article 1, which states that “everyone has the right, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and international levels”,
 - and Article 12.2 which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”.
- iv. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Cambodia.

Addresses:

- Mr. Hun Sen, Prime Minister, Office of the Prime Minister, Phnom Penh, Kingdom of Cambodia, Fax: +855 23 36 06 66 / 855 23 88 06 24 (c/o Council of Ministers), Email: leewood_phu@nida.gov.kh
- Mr. H.E. Ang Vong Vathna, Minister of Justice, No 240, Sothearos Blvd, Phnom Penh, Kingdom of Cambodia, Fax: 023 364119. Email: moj@cambodia.gov.kh
- Mr. Sar Kheng, Deputy Prime Minister and Minister of Interior, Ministry of Interior, 275 Norodom Blvd, Phnom Penh, Kingdom of Cambodia, Fax: + 855 23 212708. Email: moi@interior.gov.kh
- Mr. Hor Nam Hong, Deputy Prime Minister and Minister of Foreign Affairs, 161 Preah Sisowath Quay, Phnom Penh, Kingdom of Cambodia, Fax: + 855 23 21 61 44 / + 855 23 21 69 39. Email: mfaicasean@bigpond.com.kh
- Ambassador Mr. Sun Suon, Permanent Mission of Cambodia to the United Nations in

⁴ See Observatory Press Release of July 17, 2012



The Observatory
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cambodge@bluewin.ch

Please also write to the diplomatic representations of Cambodia in your respective countries.

Paris-Geneva, August 16, 2012

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

To contact the Observatory, call the emergency line:

- Email: Appeals@fidh-omct.org
- Tel and fax FIDH: +33 (0) 1 43 55 25 18 / 01 43 55 18 80
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