

KHM 001 / 0111 / OBS 002.1
Judicial Harassment / Sentencing
Cambodia
January 25, 2011

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), has received new information and requests your urgent intervention in the following situation in **Cambodia**.

New information:

The Observatory has been informed of the sentencing of Mr. **Sam Chankea**, Coordinator of the Cambodian Human Rights and Development Association (ADHOC) in Kampong Chhnang, a human rights defender active in land rights issues.

On January 25, 2011, Mr. Chankea was sentenced to three million riels (543 Euros) in compensation and one million riels (180 Euros) in fine by the Kampong Chhnang Provincial Court for defaming the work of KDC International Company, owned by Mrs. Lauk Chumteav Chea Kheng, wife of the Minister of Mining and Energy. Mr. Chankea's lawyer will appeal the sentence.

The Observatory further deplores that two community leaders, Mr. **Pheng Rom** and Mr. **Reach Seima**, were also prosecuted before the Kampong Chhnang Provincial Court for defaming and obstructing KDC International Company's development attempts by staging repeated protests to denounce the activities of the company. Mr. Seima was fined two million riels (362 Euros) and ordered to pay eight million riels (1447 euros) in compensation to the firm. Charges against Mr. Rom were dropped.

Background information:

The complaint against Mr. Sam Chankea follows a radio interview broadcast on December 26, 2009 in which he expressed his opinion over a land dispute between dozens of villagers and the KDC International Company in Kampong Chhnang province. In this interview, Mr. Sam Chankea stated that "what the company has done is an act of violation since the court has yet to rule on the merits of the case. Therefore, the company should suspend the activity and await the ruling on the merits of the case". He was subsequently quoted in *Koh Santepheap* newspaper on December 30, 2009.

The dispute, which dates back to 2002, is a long-standing land conflict between the above-mentioned company and more than 100 families which have sued the company for having bulldozed their land, damaged their properties, grabbed their land and violated their rights. The proceedings are still on-going.

Mr. Sam Chankea faced trial on January 18, 2011 before the Kampong Chhnang Provincial Court in Cambodia.

The Observatory expresses its deep concern about the judicial harassment against Mr. Chankea and the two community leaders, which seem to merely aim at sanctioning their human rights activities, and urges the High Court to reverse the sentencing.

More generally, the Observatory urges the Cambodian authorities to ensure the protection of human rights defenders who face reprisals as a consequence of the legitimate exercise of their right to freedom of expression and freedom of peaceful assembly.

Actions requested:

Please write to the Cambodian authorities and ask them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Messrs. Sam Chankea, Pheng Rom and Reach Seima;
- ii. Put an end to acts of harassment - including at the judicial level - against them as well as against all human rights defenders in Cambodia;
- iii. Refrain from abusing the Criminal Code and other laws to restrict freedoms of expression and silence legitimate criticisms and exempt the legitimate exercise of fundamental freedoms from the scope of the law on defamation;
- iii. Conform in any circumstances 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”,
 - Article 6 (b) and (c) which states that “Everyone has the right, individually and in association with others, as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters,
 - 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:

- H.E. 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
- H.E. Mr. Ang Vong Vathna, Minister of Justice, No 240, Sothearos Blvd, Phnom Penh, Kingdom of Cambodia, Fax: 023 364119. Email: moj@cambodia.gov.kh
- H.E. 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
- H.E. Mr. Hor Nam Hong, 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
- H.E. Ambassador Mr. Sun Suon, Permanent Mission of Cambodia to the United Nations in Geneva, Chemin de Taverney 3, Case postale 213, 1218 Grand-Saconnex, Switzerland, Fax: + 41 22 788 77 74. Email: cambodge@bluewin.ch



The Observatory
for the Protection
of Human Rights Defenders

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

Paris-Geneva, January 25, 2011

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

To contact the Observatory, call the emergency line:

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