

General trends facing human rights defenders

1. Cambodia has ratified six out of the nine international human rights treaties, one of the best ratification records in South-east Asia. However, this record does not reflect the situation of human rights defenders (HRDs) on the ground. In recent years, Cambodian government has increased its policy of repression of HRDs. The authorities use legislation and the judicial system, and the threats of arrest or legal action, to restrict free speech, jail government critics, disperse workers, trade union representatives and farmers engaging in peaceful assemblies.
2. HRDs who work to promote and protect economic, social, and cultural rights are particularly targeted by the authorities. Trade union leaders have been subjected to arrest, physical violence, and judicial harassment. Community activists defending the right to housing and protesting against land grabs and forced evictions have faced fabricated charges and jail terms. Most of them are charged with offences such as damage to private property, incitement, robbery, assault and drug smuggling. Physical violence, including killing, is also used to silence HRDs.
3. According to the Cambodian Human Rights and Development Association (ADHOC), 232 people – including land activists, community representatives and those resisting forced eviction – were arrested in 2012 in relation to land and housing issues – a 144 percent increase over 2011, when 95 people were arrested and 48 were detained. HRDs have repeatedly found themselves threatened and intimidated by the authorities, often at the bequest of well connected business figures. In 2012, 238 HRDs faced judicial harassment. Those threatened have not had any protection offered from the authorities. Rather, threats and intimidation have come from officials, including local, provincial and judicial authorities.
4. The draft Law on Association and NGOs, which was submitted to the Council of Ministers in 2011, was drafted without proper consultation with civil society and is expected to further tighten restrictions on freedom of association. It introduces compulsory registration for all NGOs before they are allowed to “operate any activity” and imposes burdensome, overly bureaucratic registration requirements. The draft law also includes vague provisions which may provide for arbitrary and selective denial of registration and, thus, the criminalisation and/or closure of NGOs and associations.
5. These provisions would pose particular problems for unregistered grass-roots networks, community-based organisations, and other informal associations who may be unable to meet the necessary requirements for registration or may be unwilling to register. Furthermore, the draft law imposes a duty upon international organisations to “collaborate” with government ministries in the planning, monitoring, implementation and evaluation of their projects. The exact scope of such collaboration, however, remains unclear and its necessity unjustified.

Restrictions on freedom of expression and assembly and disruption of civil society events

6. Despite Cambodia being a state party to the International Covenant on Civil and Political Rights, HRDs' rights to freedom of expression and assembly have been severely

threatened and restricted in the period under review. Journalists who criticise the government also face serious charges, lengthy trials, imprisonment and violence. Under the penal code, anybody peacefully expressing critical views about government officials or institutions risk criminal prosecution for defamation and spreading false information.

7. The Law on Peaceful Demonstration, which was passed in 2010, was used to legitimise infringements on constitutionally protected rights. The law requires that virtually all public gatherings, regardless of size or purpose, be approved in advance by the authorities. The law also allows officials the power to ban peaceful demonstrations on grounds of “serious threats” to security, safety or public order.
8. HRDs from around the region who gathered in Phnom Penh to discuss human rights, rule of law, and development in the context of the Association of South-east Asian Nations (ASEAN) were harassed by the authorities. On 18 to 20 November 2012, local authorities pressured guest houses to refuse accommodation to participants who are attending **Civil Society events prior to the ASEAN Summit**. NGO members have reported that venues booked for the events and workshops were instructed by officials to cancel their bookings, refuse service, and cut power supplies. Local authorities in Phnom Penh had reportedly issued threats that any participants in protests during the summit would be arrested.
9. Organisers of the **ASEAN Grassroots People's Assembly (AGPA)** had submitted prior notification to hold a rally on 16 November 2012 in order to present a petition to government representatives, but the permission was denied by local authorities. On 14 November, AGPA participants found that the venues where workshops were supposed to take place had been cancelled. In one location, 300 AGPA participants were turned out of a venue around 11 am when the owner shut off the electricity supply and forced them to leave. On the same day, around 50 local HRDs who had travelled to Phnom Penh to support the rally found themselves turned out of the guest house they were staying.
10. Other large scale events held by the **ASEAN Civil Society Conference** also faced disruption. A church cancelled a booking after a group of local authorities came to visit the venue. The replacement venue, Modern Centre 5, was also cancelled on 13 November 2012, immediately after a similar visit by local authorities. The owner admitted that this was due to pressure from the authorities.

Judicial harassment of human rights defenders

11. Judicial harassment has become a common method to target and harass HRDs and is used both by the authorities and non-state actors including companies and individuals. Front Line Defenders has documented a large number of cases where trade unionists, NGO activists, and land rights activists were targeted and forced to pay sums of money as a result of judicial harassment.
12. On 27 September 2012, Mr **Rong Chuun** was questioned at Kandal Provincial Court because of accusations of incitement and defamation made against him. The HRD was questioned for three hours about his role in the two-month long strike at Tai Ying Enterprise, which took place in June to July 2012. He had also been accused under Article 305 of the

Penal Code, dealing with criminal defamation.

13. On 9 February 2012, a summon was issued against human rights defender Mr **Soum Chankea** by the Sub-Prosecutor in Sisophon, Banteay Meanchay Province. Mr Soum Chankea is the Banteay Meanchey Provincial Coordinator for the Cambodian Human Rights and Development Association (ADHOC). He had been summoned for questioning on a criminal charge following a complaint made by the head of the Banteay Meanchay branch of the Cambodian Mine Action centre (CMAC).
14. On 30 January 2012, human rights defender Mr **San Samneang** appeared before Battambang Court on charges of intentional damage and use of violence. San Samneang is a land rights activist from Banteay Meanchey province and is affiliated with the Cambodian Centre for Human Rights (CCHR).

Arbitrary arrest of human rights defenders

15. HRDs who are engaged in peaceful demonstration as means to protect the rights of others face arbitrarily arrest and detention. On 19 May 2013, human rights defender Mr **Kuch Veng**, a land rights activist and a member of the **Community Peace Network**, was arrested by four police officials at Kbal Trach commune in Pursat. During the arrest, the police did not show a warrant and did not state the clear reason for his arrest. It is believed that his arrest is related to his work in the defence of land rights.
16. On 24 May 2012, human rights defender Venerable **Luon Sovath** was arrested by policemen and army officers for his participation in a protest outside Phnom Penh Municipal Court calling for the release of thirteen women from the Boeung Kak Lake community who had been detained without charge for 48 hours.
17. Venerable Luon Sovath was forced into an unmarked Land Cruiser by police and was taken to Wat Botum Pagoda where he was detained by police and officials from the Ministry of Interior and the Ministry of Cults and Religion until his release later that day. He was forced to sign a document declaring that he will no longer be involved in human rights work. Venerable Luon Sovath has received repeated threats in the period under review due to his human rights and land rights work. In 2011, he was banned from entering all pagodas in Phnom Penh. On 1 April 2011, police attempted to arrest him during a peaceful demonstration in Phnom Penh, however a large group of friends walked around him to prevent him from being arrested.

Targeting of land rights defenders and campaigners against forced evictions

18. Land grabbings and forced eviction have become one of the human rights issues of most serious concern in Cambodia. In the period under review, a large number of people across the country have been forced out of their lands to make way for real estate developments owned by businessmen with close links to the authorities. As land grabbings intensify, threats against HRDs who campaign against forced eviction and on community rights to land have also increased.

19. Housing rights defender Ms **Yorm Bopha** was charged with "intentional violence with aggravating circumstances" on 4 September 2012 in relation to a skirmish that had broken out near her house on 7 August 2012. She was sentenced to three years imprisonment on 27 December 2012. On 14 June 2013, the Court of Appeal in Phnom Penh upheld her conviction but suspended one year of her three-year original sentence, on ground that she did not directly commit violence.
20. On 30 and 31 October 2012, members of the **Cambodian Centre for Human Rights (CCHR)**'s Land Reform Project were harassed and intimidated by police and military officials during a mission to collect information on land conflict in Thlao village in Banteay Mean Chey Province. On the second day of the mission, local police approached the team and subjected them to a lengthy and detailed interrogation regarding their activities. The officials also continued to make their presence felt by circling the team on motorbikes and keeping a close watch on their activities. A community representative was also questioned by a military commander and villagers were discouraged from taking the HRDs to the disputed land.
21. Prior to this incident, on 8 and 9 October 2012, human rights defender **Mr Ou Virak, Mr Pen Bonnar, Mr Chhay Thy, and Mr Sok Ratha** were summoned to appear for questioning on charges of intention to commit a crime. They were allowed to leave after being questioned by the Deputy Prosecutor. While they have so far not been informed of a trial date, the charges have not been formally dropped. The complaint filed against the HRDs are reportedly related to the ongoing land dispute in Lumphat district between company D.M. Group and 136 families of indigenous Tumpuan people.
22. On 26 April 2012, Mr **Chut Wutty**, the founder and director of the Natural Resource Protection Group (NRPG), was shot dead in Koh Kong province. NRPG is a civil society organisation that works to protect environmental rights and monitors illegal logging. Chut Wutty advocated tirelessly against the ongoing destruction of Cambodia's natural resources. Despite requests coming from human rights groups and the EU Delegation for the authorities to investigate the case thoroughly, on 4 October 2012, Koh Kong Provincial Court decided to close the investigation into the killing.

Cooperation with the UN Special Rapporteur on the situation of human rights defenders

23. The Special Rapporteur on the situation of human rights defenders, has continued to raise her concern regarding the situation of HRDs in Cambodia, particularly those working in mass media. In her report to the 22nd session of the Human Rights Council on 27 February 2013, she *"reiterates her concern regarding the general situation for human rights defenders in Cambodia and reported acts of intimidation, arrests and judicial harassment as well as restrictions to their legitimate right to freedom of opinion and expression, and restrictions on the right to association and peaceful assembly"*.
24. The Cambodian government has not replied to the request to visit the country made in 2012 by the Special Rapporteur on the situation of human rights defenders. Requests by six other Special Rapporteurs also remain outstanding, including requests by the mandate holders on the independence of judges and lawyers and on freedom of association and

assembly.

Development since the previous UPR Cycle

25. In the last UPR review in late 2009, Cambodia accepted six recommendations which have specific focus on human rights defenders. The recommendations are:
- Adopt appropriate measures to disseminate widely and ensure full observance of the Declaration on Human Rights Defenders (recommended by Norway);
 - Develop a policy to protect human rights defenders (recommended by Brazil);
 - Effectively investigate and prosecute crimes and violations against human rights defenders and punish those responsible (recommended by Norway);
 - In line with the previous recommendation made by the Committee on Economic, Social and Cultural Rights, adopt effective measure to combat the culture of violence and impunity and to better protect human rights defenders, including indigenous leaders and peasant activists (recommended by Germany);
 - Investigate and prosecute any attacks on – or false allegations in relation to – human rights defenders, in particular those working with communities to protect land, houses and access to natural resources and prevent forced displacement, an issue that has been reported on by the Special Rapporteur and the Committee on Economic, Social and Cultural Rights (recommended by Ireland);
 - Strengthen efforts to protect freedom of expression and the right of all human rights defenders, including those working on land rights issues, to conduct their work without hindrance or intimidation, including by way of safeguarding freedom of assembly and association (recommended by Sweden).
26. Four years on, there has not been any substantive progress in the implementation of these recommendations. HRDs interviewed by Front Line Defenders reported that no action has been taken at all on these recommendations. As evident in this report, HRDs continue to work in very difficult circumstances in Cambodia. Front Line Defenders regrets that there has not been any action, or signs that any action may be taken to investigate violations against human rights defenders or to ensure their protection. Even the most egregious violations, such as killings, remained unpunished. In addition to case of Chut Wutty (see paragraph 22 above), the perpetrators of the killing of human rights defenders **Hy Vuthy**, **Chea Vichea**, and **Ros Sovannareth**, which occurred in 2004 and 2007, also remained unpunished.
27. **Front Line Defenders calls upon the member states of the UN Human Rights Council to urge the Cambodian authorities to prioritise the protection of human rights defenders and in doing so to:**
1. Cease the harassment and persecution of human rights defenders and ensure that all human rights defenders in Cambodia are able to carry out their legitimate human rights activities free from persecution, arbitrary arrest, judicial harassment and physical violence;

2. Investigate all cases mentioned in this report and provide substantive remedies to HRDs who are found to have been targeted solely because of their human rights work;
3. Cooperate fully with the UN Special Procedures, including the UN Special Rapporteur on the situation of human rights defenders, by responding to their urgent appeals and letter of allegations and accepting the mandate holders' outstanding request to visit the country;
4. Ensure that civil society is fully involved in drafting of the new Law on Association and NGO and that the final text is in full compliance with international human rights standards;
5. Amend relevant legislation with a view to dropping criminal defamation and considering it as a civil matter.
6. Fully implement the recommendations on human rights defenders which Cambodia accepted in the last review cycle, with full involvement of human rights defenders and civil society organisations;
7. Publicly recognise the positive and legitimate role played by human rights defenders in Cambodia;
8. Speed up the process of setting up the new National Institution for the promotion and protection of human rights, and ensure that it will be in line with the Paris Principles.