



# ATTACKS & THREATS AGAINST HUMAN RIGHTS DEFENDERS IN CAMBODIA

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BRIEFING PAPER  
August 2008



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**LICADHO**

CAMBODIAN LEAGUE FOR THE  
PROMOTION AND DEFENSE OF HUMAN RIGHTS

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**LICADHO**

CAMBODIAN LEAGUE FOR THE PROMOTION  
AND DEFENSE OF HUMAN RIGHTS

## **Cambodian League for the Promotion and Defense of Human Rights (LICADHO)**

LICADHO is a national Cambodian human rights organization. Since its establishment in 1992, LICADHO has been at the forefront of efforts to protect civil and political and economic and social rights in Cambodia and to promote respect for them by the Cambodian government and institutions. Building on its past achievements, LICADHO continues to be an advocate for the Cambodian people and a monitor of the government through wide ranging human rights programs from its main office in Phnom Penh and 12 provincial offices.

LICADHO pursues its activities through its six program offices:

- The Monitoring Office investigates human rights violations and assists victims in the legal process. Specially trained staff also monitor 18 prisons to assess prison conditions and ensure that pre-trial detainees have access to legal representation.
- The Medical Office provides medical assistance to prisoners and prison officials in 12 prisons and provides medical care and referrals to hospitals for victims of human rights violations.
- The Project Against Torture provides comprehensive rehabilitation services to victims of torture and conducts advocacy against torture.
- The Children's Rights Office educates the public on children's rights, creates child protection networks at the grassroots level, and investigates children's rights violations.
- The Women's Rights Office educates the public about women's rights, investigates women's rights violations and advocates for social and legal change.
- The Advocacy, Documentation and Resource Office compiles case files into a central electronic database so that accurate information can be easily accessed and analyzed.

**Cover Photo:** Khmer Krom monks outside the Vietnamese Embassy face riot police as they stage a peaceful demonstration in December 2007. (See page 9)

### **For More Information Contact:**

Dr. Kek Galabru, President  
LICADHO (Cambodian League for the Promotion and Defense of Human Rights)  
#16, Street 99  
Phnom Penh, Cambodia

Tel: (855) 23 360 965/211 391  
Fax: (855) 23 360 965/217 626  
E-mail: [contact@licadho.org](mailto:contact@licadho.org)  
Web: <http://www.licadho.org>



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# Executive Summary

Cambodia is a dangerous place for human rights defenders. During 2007, the Cambodian League for the Promotion and Defense of Human Rights (LICADHO) recorded more cases than ever before of threats and attacks against activists attempting to peacefully defend the rights of others.

Throughout 2007, the patterns of threats and attacks against human rights defenders observed in previous years have continued and intensified. Representatives of communities engaged in disputes over land and housing were targeted with threats, unwarranted criminal charges, and in some cases imprisonment. Trade union leaders were assaulted, arrested and prosecuted for their legitimate union activity; one such leader was murdered. Human rights NGO workers continued to be threatened and obstructed in carrying out their work, whilst private citizens legitimately assisting asylum seekers were harassed and imprisoned.

## **2007 also saw the emergence of two disturbing new trends.**

The first involved extensive intimidation of Khmer Kampuchea Krom monks in Cambodia who advocate for the rights of their minority, and for an end to persecution of fellow defenders in Vietnam. The harassment in Cambodia has included violent suppression of peaceful demonstrations, the abduction and deportation of a leading dissident monk, and even the possible murder of a monk involved in the protests.

The second involved the undermining of the human rights legal profession, in particular as a consequence of the high-profile land dispute in Kong Yu village, Ratanakiri province. After threats directed against human rights lawyers merely for fulfilling their role of representing the powerless, many legal aid lawyers find themselves justifiably afraid to conduct their legitimate activities.

Human rights defenders are painfully aware that in Cambodia, they have little or no recourse to the law. Of the 47 cases of threats and attacks highlighted by LICADHO in its 2006 report on human rights defenders, in not one instance has there been a serious criminal investigation, let alone prosecution, of the suspected perpetrators. By contrast, in many cases it was the human rights defenders themselves who were the subject of criminal prosecutions and other serious threats.

This briefing paper offers an analysis of the increasing threats to human rights defenders in Cambodia between January and December 2007. It also seeks to follow-up on cases documented in the report *Attacks & Threats Against Human Rights Defenders in Cambodia 2006*. The paper is based on investigations and other information compiled by LICADHO with the support of the United Nations Cambodia Office of the High Commissioner for Human Rights (UNCOHCHR) and a range of Cambodian human rights and community-based organizations.

This paper makes no claim to be comprehensive. For many human rights defenders, threats and harassment are a feature of everyday life, and many such instances go unreported. LICADHO believes it to be wholly unacceptable that criminal acts have become normalized in this way, and calls upon the Cambodian authorities to start displaying a commitment to human rights by prosecuting those who attack human rights defenders.



# I. Introduction

## Human Rights Defenders: Who Are They?

Human rights defenders are people who, individually or with others, act to promote or protect fundamental human rights in a non-violent manner. They may be members of national or international rights organizations, or may work informally within their local communities. They are often NGO staff, trade union representatives, community leaders, journalists, teachers or students, but can be anyone, irrespective of their usual profession. Today, Cambodia has an increasingly active community of human rights activists and organizations that plays a crucial role in the promotion and defense of human rights.

In determining whether a case constitutes a threat to a human rights defender, LICADHO considers it important to establish whether the victim has undertaken action that genuinely defends or promotes human rights, as set out in the Universal Declaration of Human Rights and guaranteed by international law such as the International Covenant on Civil and Political Rights. Such actions should also be undertaken, in whole or part, on behalf of others, and a clear link should be established between the activities undertaken to defend human rights and the threat, harassment or intimidation that was received.

It should be noted that while politicians can, like anyone else, act as human rights defenders, governing authorities in countries with poor human rights records such as Cambodia often try to discredit neutral human rights organizations by associating them with the political opposition. To avoid such accusations of partisanship, and noting the alternative protections available to politicians under international human rights law, threats received by politicians are not included in this report.

## Legal Protection of Human Rights Defenders

In Cambodia, the 1991 Paris Peace Accords provided a legal framework for protecting human rights defenders, including the rights of freedom of association, assembly and expression. In 1992 the Cambodian government signed and ratified relevant international human rights legislation, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The provisions of these covenants and the Universal Declaration of Human Rights were incorporated into domestic law by the 1993 Constitution of Cambodia.

In 1998, on the occasion of the 50th anniversary of the Universal Declaration of Human Rights, the UN General Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.<sup>1</sup> The Declaration has become known as the 'Declaration on Human Rights Defenders'.

The Declaration sets out rights and protections for human rights defenders to be upheld by UN member States, such as the rights to seek, obtain, receive and hold information relating to human rights or to criticize a government's non-compliance with human rights standards.

<sup>1</sup> United Nations, Reference: A/RES/53/144. Released 8 March 1999



The Special Representative of the Secretary-General on Human Rights Defenders noted that the Declaration was based on legally-binding principles and rights already enshrined in existing international human rights standards, and that since “the Declaration was adopted by consensus by the General Assembly...[it] therefore represents a very strong commitment by States to its implementation.”<sup>2</sup>

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<sup>2</sup> For more information and the full text of the Declaration see <http://www2.ohchr.org/english/issues/defenders/declaration.htm>

## II. Background

### Human Rights and the Government's Response

Concluding his fourth official visit to Cambodia in December 2007, the Special Representative of the UN Secretary-General for Human Rights in Cambodia gave a grim assessment of the government's progress on human rights. In Yash Ghai's assessment, the human rights situation is deteriorating, and Cambodia is simply "not a rule of law state." "The institutions charged with implementing the rule of law are very weak and subordinated to the government," he said, and people are afraid of courts as "sites of injustice."<sup>3</sup>

Yash Ghai is far from alone in this assessment. The US State Department also concluded that the Cambodian government's human rights record remained poor in 2007, noting that "security forces committed extrajudicial killings and acted with impunity" and that "there was little political will to address the failure by government authorities to adhere to the rule of law."<sup>4</sup>



Yash Ghai at a Press Conference on 10 December 2007

Human Rights Watch similarly observed that 10 years after the coup d'état of 1997, impunity for human rights violations in Cambodia remained the rule. "The judiciary continued to operate at the behest of the executive, and no progress was made to address rampant corruption or widespread plundering of natural resources."<sup>5</sup>

The response by Cambodian authorities to such criticism is dismissive. Rather than address the issues raised by human rights defenders, the government prefers to attack the organizations and individuals who speak out. To seasoned observers, the official rhetoric is both predictable and depressing. Responding in May to a joint NGO statement expressing concern over well-documented human rights abuses, Ministry of Interior spokesman Khieu Sopheap claimed that human rights groups exaggerate the situation. "We have 10,000 good points they don't mention. But one bad point, they play up," he said, maintaining that criticizing the government "is their job . . . If they don't say bad, they don't have salaries."<sup>6</sup>

International, as well as local, human rights defenders receive this kind of treatment from the Cambodian government. In January, after a series of critical reports on factory conditions by the International Labor Organization (ILO), the Prime Minister suggested that some ILO staff members might be extorting money from factories in return for favorable reports.<sup>7</sup> In March, after the US-based NGO Open Society Justice Initiative reported allegations of corruption and

<sup>3</sup> Fergal Quinn & Chhay Channyda, *Envoy Lambastes Gov't on Int'l Human Rights Day*, The Cambodia Daily, December 11, 2007.

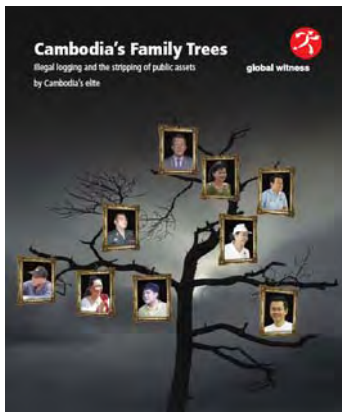
<sup>4</sup> Country Reports on Human Rights Practices 2007, US State Department, March 11, 2008.

<sup>5</sup> Human Rights Watch World Report 2008, January 31, 2008.

<sup>6</sup> Douglas Gillison & Yun Samean, *NGOs: UN Should Back Human Rights in Cambodia*, The Cambodia Daily, May 30, 2007.

<sup>7</sup> Erik Wasson & Yun Samean, *ILO Seeks Explanation After PM Questions Reports*, The Cambodia Daily, January 26, 2007.

mismanagement at the Khmer Rouge Tribunal, Minister of Information Khieu Kanharith said that the government was considering expelling the organization from the country.<sup>8</sup>



The banned Global Witness report

In June, international environmental monitor Global Witness released a scathing report linking government officials, their family members and associates to widespread criminal activity with a devastating impact upon Cambodian natural resources. The government responded by banning the report; there were reports of serious intimidation of those involved in its distribution, and one government official even issued a public death threat against Global Witness staff.<sup>9</sup> In July, when the Asia Director of Human Rights Watch held a seminar in Phnom Penh to mark the 10<sup>th</sup> anniversary of the July 1997 coup, Khieu Kanharith accused him of having worked for the Khmer Rouge.<sup>10</sup>

But, throughout 2007, some of the government's strongest vitriol was reserved for UN Special Representative Yash Ghai. Ghai had already fallen foul of the government when he criticized the centralization of power in Cambodia shortly after being appointed in 2006, and the Prime Minister responded by describing him as "rude" and a "long-term tourist" who "comes without knowing anything."<sup>11</sup> In June 2007, the Prime Minister again refused to meet with Ghai, later publicly saying, "If you continue to stay [in Cambodia] for another 1,000 years and if I survive another 1,000 years, I still will not meet you. In Khmer we say that the dog is barking, but the people are still walking. I don't want to compare him [with a dog], but he accuses me."<sup>12</sup> In December, the Prime Minister claimed that Ghai was unfit to comment on human rights in Cambodia because Ghai's home country of Kenya was "one hundred times worse than us," while Minister of Information Khieu Kanharith claimed that Ghai was "representing the opposition parties here rather than the UN."<sup>13</sup> As the year ended, the Prime Minister announced that he had made a formal complaint to the UN Secretary-General about Ghai, saying that anyone who supported the Special Representative's latest human rights report was "the vilest person."<sup>14</sup>

Yash Ghai has said many times that his hope is to engage the government in dialogue, recognizing that without its cooperation, there can be little real improvement in human rights in Cambodia. Local organizations also recognize that until the government respects the role of human rights defenders, accepts the validity of their reporting and works together with them to address the very serious issues that are raised, there is scant chance of significant progress. That day still seems a long way off.

<sup>8</sup> Erika Kinetz & Yun Samean, *Gov't Weighed Expelling OSJI From Country*, The Cambodia Daily, March 28, 2007.

<sup>9</sup> Yun Samean & Douglas Gillison, *Global Witness Decries Report Ban; Probe Ordered*, The Cambodia Daily, June 5, 2007

<sup>10</sup> Brad Adams: *Hun Sen Holds power tightly in hand*, Radio Free Asia, July 6, 2007

<sup>11</sup> Chhim Sopheak & Erik Wasson, *PM Says UN Envoy Should Be Removed*, The Cambodia Daily, March 30, 2006.

<sup>12</sup> Yun Samean & James Welsh, *Hun Sen Reiterates Disdain for UN Rights Envoy*, The Cambodia Daily, June 5, 2007.

<sup>13</sup> Yun Samean & Fergal Quinn, *Hun Sen Blasts Rights Envoy, Defends Burma*, The Cambodia Daily, December 13, 2007.

<sup>14</sup> *Cambodia Complains to Ban Over Rights Envoy*, AFP, December 22, 2007.

## Human Rights Defenders: What Progress Since 2006?

In December 2006, LICADHO published the report *Attacks & Threats Against Human Rights Defenders in Cambodia 2006*. The report detailed 47 sample cases of obstruction, intimidation, assault or prosecution of human rights defenders during the period January-October 2006, and made recommendations to the Royal Government for action. Sadly, not one of those recommendations has been taken up.

### The report recommended that the government should do the following:

- Follow through with its pledge to fully decriminalize defamation, and also decriminalize disinformation.

*Although there are currently no prison sentences for defamation, it remains a criminal offense. In the most recent publicly available draft of the proposed new criminal code, defamation is still a criminal offense, with prison sentences attached.<sup>15</sup> The Prime Minister stated in an August 2007 speech that defamation had been removed from the draft criminal code by the Council of Ministers, although it is unclear whether he referred simply to prison sentences, and no new draft has yet been issued.<sup>16</sup> Disinformation remains a criminal offense under current law.*

- Suspend all attempts to enact the proposed *Law on Local Associations and Non-Governmental Organizations*, or any similar “NGO Law,” until judicial independence and competence in Cambodia can be guaranteed.

*The NGO Law remains pending, although there are not known to have been any significant developments in its drafting during 2007.*

- Require that authorities at all levels cease obstruction of the activities of legitimate human rights organizations.

*Numerous cases were documented in 2007 where the Cambodian authorities obstructed the activities of human rights organizations, in particular the monitoring of violent evictions and the conduct of public forums. Even UN Special Representative Yash Ghai was the victim of obstruction. See page 7 and Annex for further details.*

- Fully comply with its obligations under the 1951 Refugee Convention, and cease threats, harassment and intimidation of those who assist asylum seekers.

*The government continued to blatantly disregard its obligations under the Refugee Convention in 2007. It severely obstructed the work of the UN High Commissioner for Refugees (UNHCR) in meeting asylum seekers, arrested Cambodian citizens who tried to help them, and participated in their refoulement to countries where they were at risk of persecution and torture. See page 16 and Annex for further details.*

<sup>15</sup> Ministry of Justice, *New Penal Code Project*, Bonnieu et al, 2005

<sup>16</sup> *Samdech Hun Sen Appeals to Journalists Not to Write Cursing Articles, but Constructive Ones*, Chakraval, August 14, 2007, translated in *The Mirror*, Vol. 11, No. 520, August 15, 2007.

- Ensure the application of non-discrimination principles in the Labor Law, and that trade union representatives are not barred from employment or otherwise harassed on the basis of union activities.

*Union activists continued to be the victims of harassment, including assaults and legal threats, during 2007, while victims who had been similarly persecuted in 2006 found themselves blacklisted and unable to find employment. See page 12 and Annex for further details.*

- Insist that all laws relating to land and natural resources are applied in a fair, accurate and consistent manner by the Cambodian courts, and ensure that parties in land and natural resource conflicts are not charged with property violations while the conflicts remain unresolved.

*The Cambodian courts continued to display obvious bias and failed to observe minimum standards of justice for fair trials in numerous land cases during 2007. They also continued to charge community representatives for property violations in cases where property ownership was not legally established. See page 15 and Annex for further details.*

- Require that trials be held, or charges dropped, within six months of the arrest of suspects, according to Cambodian criminal procedure, and pay particular attention to violations of this procedure in cases relating to labor activism and land rights.

*Human rights defenders continued to be held in pre-trial detention for periods of more than six months before trial. Furthermore, in 2007, a new Criminal Procedure Law was adopted which extended the maximum possible pre-trial detention period to 18 months for felonies.<sup>17</sup> For those released on bail in 2006, charges typically continue to be held against them indefinitely. In only one case that LICADHO is aware of where activists were targeted with unwarranted charges in 2006 have the charges been dropped – and that nearly a year after their initial arrest.<sup>18</sup> Above all, LICADHO recommended that the Cambodian authorities take immediate steps to investigate and prosecute all alleged perpetrators of violence and intimidation towards human rights defenders.*

*In not one case from 2006 where a criminal offense was committed against a human rights defender has there been a serious investigation, let alone a prosecution. Instead, several human rights defenders who had been unfairly targeted for prosecution in 2006 were the subject of grossly unfair trials in 2007.*

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<sup>17</sup> The new law maintains the principle that pre-trial detainees (accused of felonies) should be brought to trial within six months, but it permits Investigating Judges to extend this period twice – to a total of 18 months – in certain circumstances. Criminal Procedure Law, June 2007, Art. 208.

<sup>18</sup> Property violation charges brought against six community representatives in a Banteay Meanchey land dispute, August 31, 2006, were formally dropped by the Banteay Meanchey court on July 20, 2007. See *Attacks & Threats Against Human Rights Defenders in Cambodia 2006*, p. 29, for details of the case.

### III. Threats to Human Rights Defenders in Cambodia January-December 2007

#### Human Rights Workers

Staff of Cambodian human rights NGOs continued to be the victims of threats, intimidation and obstruction in their work.

In March, monitors from local human rights NGOs ADHOC and the Cambodian Center for Human Rights (CCHR) were taken by police for questioning while observing an eviction of more than 100 families on land in the Angkor Wat complex in Siem Reap. They were freed an hour later after being questioned by Apsara Authority officials.

In May, Chhim Savuth of CCHR was accused by Sihanoukville Municipal Governor Say Hak of inciting villagers to form a breakaway zone independent of government rule. The allegations relate to Spean Ches village in Mittapheap district, which was the scene of an extremely violent forced eviction on April 20. Prior to the eviction, Savuth had assisted the villagers to draw up a request for official government recognition of their community. Say Hak claimed to have supplied evidence of criminal activity to the Municipal Court, and a few days later, Savuth left the area after rumors spread that he would be arrested. Shortly afterwards, an NGO lawyer representing villagers arrested in the Spean Ches eviction received an anonymous telephone death threat, warning him to stop.

Chhim Savuth faced harassment again in July when, working in Takeo province, he was illegally detained whilst attempting to organize a public forum to discuss the disappearance of Khmer Krom monk Tim Sakhorn (see page 9). Numerous other forums planned by CCHR were banned and disrupted during 2007, and in one instance CCHR accused commune authorities in Svay Rieng province of ordering that logs be kept of all calls made through public telephones, in order to prevent villagers from complaining about being threatened away from a land dispute forum. Savuth himself had previously come under threat in 2006, when he was one of four human rights workers detained and intimidated whilst monitoring a land dispute in Kampot province.

International human rights workers also faced obstruction. On June 19, eight foreigners were detained by police for more than nine hours after demonstrating outside the donor meeting taking place in the Council for the Development of Cambodia. The eight independent activists were protesting the continued imprisonment of Born Samnang and Sok Sam Oeun, the two men wrongfully convicted of murdering union leader Chea Vichea (see page 13).



Billboards displayed outside the donor meeting on June 19

Even the Special Representative of the UN Secretary-General for Human Rights in Cambodia faced obstruction and intimidation whilst investigating human rights abuses. On December 3, Yash Ghai was confronted by a group of seemingly drunken armed police and soldiers as he left a meeting with villagers in Kong Yu, Ratanakiri province (see page 20 for details of the

land dispute in this village). Although Ghai has a mandate to travel anywhere in Cambodia without obstruction, he was told by O'Yadao deputy district governor On Kit that he was not supposed to visit the village without permission.

## Refugee Helpers

With no sign of an end to the persecution faced by ethnic minorities in Vietnam's central highlands, the flow of Montagnard asylum seekers into Cambodia continued in 2007 – and with it, the continued obstruction, harassment and even prosecution of those who assist them

As in previous years, the Cambodian government systematically obstructed the work of the United Nations High Commissioner for Refugees (UNHCR) in its attempts to meet Montagnard asylum seekers. With no offices in the border provinces of Ratanakiri and Mondulakiri, UNHCR is required to apply to the government for permission to travel to these provinces when reports are received of asylum seekers arriving from Vietnam. While there is nothing to prevent the government from granting this permission instantly, permission is invariably delayed for weeks or even months – giving local authorities ample time to track down and deport asylum seekers hiding in the forest.

The events of 2007 clearly demonstrated the pattern of this obstruction, and its consequences. On March 19, UNHCR made a formal request to the government to travel to Ratanakiri to meet a group of 10 Montagnard asylum seekers that had reportedly crossed the border from Vietnam on March 15.<sup>19</sup> On March 22, reports were received that a further group of 10 Montagnards had arrived in the province.<sup>20</sup>

Local NGOs then reported that on March 23, the first group of 10 Montagnards had been arrested by police after traveling to the provincial capital of Banlung in the hope of contacting UNHCR, and deported to Vietnam.<sup>21</sup> While local authorities initially denied the illegal deportation, it was later confirmed by an anonymous senior provincial official.<sup>22</sup>

On March 31, an additional 15 Montagnards arrived in the province, but permission from the government was still not forthcoming. An NGO official reported that the groups hiding in the forest were now suffering from food shortages, and that some had contracted malaria. UNHCR affirmed that they were checking with the government “every day” regarding the permission.<sup>23</sup>

On April 13 a further five asylum seekers were arrested and deported, according to local rights workers. The government finally issued UNHCR with its travel authorization on April 13, and the mission departed on April 18. That same day, armed police and soldiers surrounded an ethnic minority plantation in Ratanakiri's Andoung Meas district and demanded to know where asylum seekers were hiding.<sup>24</sup>

On April 20 – more than a month after first requesting permission – UNHCR staff were finally able to access Andoung Meas district, where they met 18 asylum seekers and placed

<sup>19</sup> Thet Sambath & Douglas Gillison, *Ten Montagnards Seek Asylum In Ratanakiri*, The Cambodia Daily, March 20, 2007.

<sup>20</sup> Thet Sambath, *Ten More Montagnards From Vietnam Hide In Ratanakiri*, The Cambodia Daily, March 23, 2007.

<sup>21</sup> Thet Sambath & Suzy Khimm, *Montagnards Deported Back to Vietnam*, NGO alleges, The Cambodia Daily, March 26, 2007.

<sup>22</sup> Thet Sambath & Michelle Vachon, *Hiding Montagnards Grow Desperate In Jungle*, The Cambodia Daily, March 30, 2007.

<sup>23</sup> Thet Sambath, *15 More Montagnards Seek Asylum in R'kiri*, The Cambodia Daily, April 6, 2007.

<sup>24</sup> Yun Samean, *Police Hunt for Montagnards, Rights Worker Says*, The Cambodia Daily, April 19, 2007.

them under protection. Whilst the government had prevaricated, at least 15 asylum seekers were deported and the health of those remaining was severely affected.<sup>25</sup>

It then emerged that the police had arrested three Cambodian ethnic Jarai villagers as they guided the 18 asylum seekers to meet with UNHCR. The three men were placed in pre-trial detention by the Ratanakiri provincial court, where Judge An Samnang refused to consider bail unless a fourth suspect surrendered himself to the court – thus effectively holding them as hostages. The three were charged with assisting illegal immigration, although fellow villagers insisted that they had merely helped the asylum seekers within Cambodia, including buying food and other supplies for the group whilst they waited for UNHCR.<sup>26</sup> They were eventually released on September 16, after nearly five months detention in Ratanakiri provincial prison.<sup>27</sup>

## Khmer Kampuchea Krom Activist Monks

A series of peaceful protests by Khmer Krom monks were met with increasing levels of violence by the Cambodian authorities in 2007. As the protests escalated, one activist monk met a violent death in suspicious circumstances, whilst another was unlawfully deported to Vietnam and imprisoned for political offenses.

Khmer Krom activists have long contended that members of the Khmer minority in the region of southern Vietnam known as Kampuchea Krom are subject to systematic discrimination by the Vietnamese authorities. Matters reached a head in early 2007, when numerous activist monks in Vietnam were arrested, detained and disrobed following peaceful demonstrations for religious and other rights. Activists began fleeing the crackdown and crossing the border into Cambodia, which was swiftly closed to many Khmer Krom living in Vietnam.

On February 27, a group of 52 Khmer Krom monks demonstrated near the Vietnamese embassy in Phnom Penh in support of their brethren in Vietnam. They were met by more than 150 police and riot police armed with shields, tear gas, electric batons and guns. Authorities attempted to force the monks onto buses to be taken away to be defrocked, but this was prevented through the intervention of human rights workers. The protest passed without violence, but observers were shocked at the level of force deployed against a group of peaceful Buddhist monks.

Later that day, Eang Sok Thoeun, a Khmer Krom monk who had participated in the protest, was found dead in a pagoda in Ang Snoul district, Kandal province, with his throat slashed in three places. Local authorities immediately declared the death a suicide, and within 24 hours his body had been buried – before an autopsy could be conducted. Sok Thoeun had recently arrived from Soc Trang province in southern Vietnam, and was close to Youen Sin, president of the Khmer Kampuchea Krom Buddhist Monks Association. A group of six Khmer Krom associations filed an application to the Kandal court to have his body exhumed for autopsy and a full investigation conducted. Permission was not granted, and no

*"I only asked them not to violate the rights of Kampuchea Krom monks, but someone hit me with a rock."*

**Lim Yuth, Khmer Krom monk**

<sup>25</sup> Thet Sambath, *UN Places 18 R'kiri Montagnards under protection*, The Cambodia Daily, April 23, 2007.

<sup>26</sup> Yun Samean, *UN Urges R'kiri Court To Act on Trafficking Case*, The Cambodia Daily, May 4, 2007.

<sup>27</sup> Information provided by ADHOC, February 2008.



serious investigation into the death is known to have been made by the authorities.

Despite this disquieting development, the protests in Phnom Penh continued to grow. On April 20, around 50 Khmer Krom monks attempted to deliver a letter of protest to the Vietnamese embassy about monks who had been defrocked or were missing in Vietnam. After being blocked by police from approaching the embassy, the monks marched through Phnom Penh, until their progress was blocked by a group of monks and unidentified men in civilian dress who emerged from Wat Ounalom. A fracas developed, with several monks injured. Khmer Krom monk Lim Yuth was cut above his eye, and told the media “I only asked them not to violate the rights of Kampuchea Krom monks, but someone hit me with a rock.”<sup>28</sup> Later that day, one of the Khmer Krom monks involved in the protest was beaten by a group of six unidentified men after returning to a Phnom Penh pagoda.<sup>29</sup>

On June 8, Supreme Patriarch Non Nget, chief of Phnom Penh’s monks, issued a directive together with Minister of Cults and Religion Khun Haing ordering monks throughout the country to refrain from engaging in peaceful protests, as they would cause “disorder.” Non Nget said that monks who demonstrate would be “responsible before the law.” National Assembly and CPP Honorary President Heng Samrin said the announcement, which was not publicized until later in the month, was intended “to preserve social stability.”<sup>30</sup> Constitutional Council member Son Soubert said the ban on monks participating in peaceful demonstrations violated the Constitution.<sup>31</sup>



Monk Tim Sokhorn

On June 30, Khmer Krom monk Tim Sakhorn, a leading activist for Khmer Krom rights based at Wat Phnom Den in Takeo province, disappeared shortly after being defrocked by order of Supreme Patriarch Tep Vong. In a statement, Tep Vong said that Sakhorn had “breached the Buddhist discipline and caused a split in national and international unity, especially between the two countries of Cambodia and Vietnam.”<sup>32</sup> The same day, villagers reported seeing Sakhorn being taken away in a truck by Cambodian security officials. His whereabouts could not be confirmed until August 2, when the Vietnamese embassy announced that he was being detained in Vietnam “pending prosecution under the destruction of political solidarity law.” Ministry of Interior

spokesman Khieu Sopheak made the bizarre claim that Tim Sakhorn had asked to be taken to Vietnam, while Vietnamese media claimed that he had been arrested while illegally trying to enter the country.<sup>33</sup> On November 8, he was sentenced to one year in prison and 14 years probation by a court in Vietnam’s An Giang province.<sup>34</sup>

Not content with illegally deporting Tim Sakhorn to Vietnam, the Cambodian authorities also sought to blacken his name, suppress discussion of the case and disrupt expressions of support for his cause. In July, a human rights activist was detained and his equipment confiscated on the eve of a public forum in Takeo to discuss the disappearance. In September, the Prime Minister responded to a letter about Tim Sakhorn’s case from former King Norodom Sihanouk by accusing the monk of illegal activities such as attacking fellow monks with axes, as well as repeating official slurs about finding women and pornographic

<sup>28</sup> Kay Kimsong, *Local and Khmer Krom Monks Clash During Protest March*, The Cambodia Daily, April 21-22, 2007.

<sup>29</sup> Unpublished LICADHO monitoring report.

<sup>30</sup> Chhay Channyda, Ministry, *Patriarch Call on Monks Not To March*, The Cambodia Daily, June 25, 2007.

<sup>31</sup> Sam Rith and Charles McDermid, *Ban on monk protests called ‘un-Buddhist’*, Phnom Penh Post, June 29 - July 12, 2007.

<sup>32</sup> Yun Samean, *Tep Vong Orders Khmer Krom Monk Defrocked*, The Cambodia Daily, July 2, 2007.

<sup>33</sup> Yun Samean, *Missing Monk To Face Trial in Vietnam*, The Cambodia Daily, August 3, 2007.

<sup>34</sup> Kuch Naren, *Khmer Krom Monk Sentenced For Anti-Vietnamese Agitation*, The Cambodia Daily, November 10-11, 2007.

films in his room.<sup>35</sup> In November, a ceremony organized by human rights organizations to pay respects to Sakhorn was interrupted by district officials who tried to break up the gathering.<sup>36</sup>

On December 17, a group of 48 Khmer Krom monks tried to deliver a protest letter to the Vietnamese embassy, calling for the release of Tim Sakhorn and other monks imprisoned in



The police attacking a monk on December 17 outside the Vietnamese Embassy

Vietnam. As they approached the embassy, the demonstrators were charged by a large contingent of police armed with electric batons and guns. As the monks turned and fled, the police continued to chase them for several blocks, hitting and beating them. Two monks were seriously injured, one falling unconscious, from being struck on the head by electric batons.<sup>37</sup> Municipal Police Commissioner Touch Naruth said that the police “just tried to ensure security for the Vietnamese Embassy.”<sup>38</sup>

The government has continued to try to justify the defrocking of Tim Sakhorn, while at the same time failing to explain on what legal basis he was deported to Vietnam. In a January 2008 response to the UN Special Representative for Human Rights Defenders, the government said Tim Sakhorn was defrocked because he did not “respect the rules of Buddhism.” It accused him of having distributed bulletins published by an overseas-based organization which advocates (peacefully and lawfully) for Khmer Krom rights. It also claimed that he had twice organized illegal demonstrations by monks who used axes and sticks against other monks, with many people being injured (apparently, a highly exaggerated reference to the February 27 and April 20 protests, in which no axes or sticks were used). The government stated that Tim Sakhorn was defrocked for violations of religious discipline and he “was then detained by Vietnamese authority,” without elaborating on his deportation to Vietnam by Cambodian authorities.

The fate of Tim Sakhorn highlights the uncertain status of Khmer Krom individuals in Cambodia, and in particular of activists fleeing persecution in Vietnam. The government has stated that it considers Khmer Krom to be Khmer citizens, which in turn means that the office of the UN High Commissioner for Refugees in Cambodia considers them ineligible for asylum in this country; it routinely rejects applications for asylum by Khmer Krom activists who have fled Vietnam, because it argues that they are safe and have adequate protection in Cambodia as Khmer citizens. Yet as the Office of the UN High Commissioner for Human Rights has pointed out, Tim Sakhorn’s deportation is “a prima facie violation of the constitutional prohibition of deportation of Khmer citizens, if indeed Khmer Krom have the status of Khmer citizens. If they do not, then Khmer Krom claiming persecution should be entitled to seek refugee status under the Convention relating to the Status of Refugees, to which Cambodia is a party.”<sup>39</sup>

<sup>35</sup> September 28, 2007 letter from Hun Sen to former King Sihanouk. See original and translation available at <http://www.khmerkrom.net/?q=node/1076>

<sup>36</sup> “District Authorities Disrupt Religious Festivities on Cambodia’s Independence Day”, LICADHO, 16 November 2007, <http://www.licadho.org/articles/20071116/68/index.html>

<sup>37</sup> *Khmer Kampuchea Krom Monks Chased and Assaulted by Police in Phnom Penh*, CCHR-CHRAC-CLEC-LICADHO Media Statement, December 17, 2007

<sup>38</sup> Vong Sokheng, *Both sides cool down after violent street clash*, Phnom Penh Post, December 28, 2007 – January 10, 2008.

<sup>39</sup> *Role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights*, Annual Report Of The United Nations

## Labor Union Representatives

In 2007, trade union representatives continued to be the targets of threats, arrests, assaults – and even murder.

Much of the harassment was directed at unionists involved in strikes and other demonstrations. In January, three activists were arrested in Phnom Penh during a peaceful protest at the Phnom Penh Municipal Cable TV to demand the reinstatement of eight colleagues who were fired in 2006 for establishing a union. In May, police fired smoke grenades and security guards fired shots in the air to disperse more than 1,000 striking garment workers from the River Rich Textile factory in Sa'ang district. The workers were demanding the reinstatement of 10 colleagues who were fired in November, allegedly for forming a union. Following the strike, River Rich Ltd filed criminal complaints to the Kandal court against three union leaders for "inciting" the industrial action. The strike continued on May 21, when 1,000 workers surrounded the union leaders to prevent them being "escorted to court for questioning" by approximately 150 riot police. In November, four union representatives at the Fortune Garment and Woolen Knitting Factory were arrested in Kandal province following a strike by more than 800 workers from the Coalition of Cambodian Apparel Workers' Democratic Union. The police, who broke up the strike using tear gas, claimed that the activists had thrown stones and injured police officers.

Unionists were also at risk of serious physical violence. In January, Sen Sithourn, General Secretary of the Free Trade Union at the Shoes Premier factory in Phnom Penh's Russei Keo district, was attacked by a group of four or five unidentified men on his way home from work, and beaten in the head with a pipe. In April, Chharm Samain, President of the Cambodia Labour Union Federation at the Vivatino Design Garment Factory in Phnom Penh's Russei Keo district, was assaulted during a strike at the factory. Mrs. Chharm, who was pregnant, was beaten and kicked, resulting in bruises and swelling.

Attacks such as these represented the continuation of a pattern observed throughout 2006. No justice has been found for the victims, and in many cases, unionists who continued their activities despite the warnings were to find themselves out of work by 2007.

### Update: Free Trade Union leaders at Bright Sky and Suntex

In the report *Attacks & Threats Against Human Rights Defenders in Cambodia 2006*, LICADHO featured the cases of members of the Free Trade Union of Workers in the Kingdom of Cambodia (FTU) at the "Bright Sky" and "Suntex" garment factories in Dangkor district of Phnom Penh. Throughout 2006 FTU representatives at the two factories faced a series of serious threats and brutal physical assaults.

Four senior FTU officials at the Bright Sky factory were the victims of assaults in 2006. By the end of 2007, none of the perpetrators had been brought to justice. In addition, all four unionists – who along with other workers lost their jobs at the factory following their participation in an October 2006 strike – have faced serious problems finding other employment. They believe that, because of their past union activities, they have been placed on a garment factory blacklist.

Chi Samon, President of the FTU at Bright Sky, was attacked and severely beaten by seven men whilst walking home from his nightshift on May 3, 2006. Samon recognized one of the attackers as a member of a rival union at the factory, and reported this to the police and Phnom Penh court, but no serious investigation has been undertaken. Well-known as a union activist, Samon has found little work since his dismissal. In early 2007 he was briefly hired as in another garment factory, only to be dismissed after one week. As of the end of 2007, he was still unemployed, and his attackers remained unprosecuted.

Nine days after the attack on Chi Samon, his colleague Yeng Vann Yuth was similarly assaulted. And on June 8, Lem Samrith, FTU Treasurer at Bright Sky, was also beaten up, by a group of around 20 men as he left the factory following his nightshift. In both cases, there has been no prosecution of the perpetrators, and the victims had difficulty finding work in 2007.

Finally Em Chhay Tieng, FTU Deputy at Bright Sky, was punched in the face by a policeman during the October 2006 strike. Since then, Em Chhay Tieng has applied for work at some 40 different garment factories, with little success. In August 2007 she found work for one month before being dismissed; the manager told her she couldn't work for the factory any more as she used to be a union activist and led the strike at the Bright Sky. Later in the year she got a job at another factory, only to be fired after complaining about working conditions.

Meanwhile, FTU officials at the neighboring, and commonly-owned, Suntext garment factory have also been denied justice for assaults against them. On May 19, 2006 Chey Rithy, Vice-President of the FTU at the Suntext factory, was attacked by two unidentified men who threw stones at him and his pregnant wife as they rode a motorbike home from the factory. Four months later, Choy Chin, FTU Secretary General at Suntext, was attacked by two unidentified men who threw stones and beat him with a metal pipe. There has been no prosecution in either case, and both men have now resigned from their union positions.

The pattern of threats and violence directed against FTU officials at Suntext in 2006 was to continue and escalate into 2007 – when their president was brutally murdered.

### Case Study: The Murder of Hy Vuthy

The most shocking attack on the trade union movement in 2007 came in February, when Hy Vuthy, President of the Free Trade Union at the Suntext factory, was shot dead by two unidentified men on a motorcycle as he drove home from work. Arriving at the scene to find Vuthy still alive, his wife Var Sopheak was prevented by the police from taking him to hospital for more than five minutes. He eventually died on the way.

Prior to his murder, Hy Vuthy had received telephone death threats, warning him to quit his job. After his murder, his widow, also a Suntext worker, was followed by masked motorcycle riders, and went into hiding. Chea Mony, national president of the FTU, told local media that Vuthy had recently had an angry confrontation with members of the CPP-affiliated Cambodian Union Federation (CUF), while CUF president Chhoun Mom Thol suggested that Mony himself was behind the killing.<sup>40</sup>

<sup>40</sup> Dan Poynton & Sam Rith, *Another widow for the union movement*, Phnom Penh Post, March 9-22, 2007.

Despite an international outcry about the murder, there have been no arrests made. In April, Municipal Police Commissioner Touch Naruth claimed that the police had arrest warrants for two suspects, but declined to provide further details.<sup>41</sup> This claim was repeated by Interior Ministry spokesman Khieu Sopheak in May.<sup>42</sup> However, at the end of 2007, lawyers for Hy Vuthy's family confirmed that there was not even a police investigation report, let alone any arrest warrants, in the case file at the Phnom Penh Municipal Court.<sup>43</sup> In January 2008, Touch Naruth repeated that arrest warrants existed for two suspects, but a month later he contradicted himself and said that the police had not identified any suspects in the killing.<sup>44</sup>

Hy Vuthy's killing was strongly reminiscent of the murders of fellow FTU leaders Chea Vichea and Ros Sovannareth in 2004 - in each case, the victims had received death threats before being assassinated by two men on a motorcycle. While there have been prosecutions and convictions in both of these cases, human rights organizations have expressed severe doubts that the real killers have been brought to justice. In the case of Chea Vichea, there is overwhelming evidence that Born Samnang and Sok Sam Oeun, the two men convicted of the murder and sentenced to 20 years in prison, are not guilty. An Appeal Court hearing on their case in April 2007 was widely condemned for its failure to observe the minimum standards of justice. At the end of the year, the two men remained in prison for a crime they did not commit, while the real killers continued to enjoy impunity.<sup>45</sup>



Hy Vuthy's funeral wreath

Hy Vuthy's murder, following the other attacks on trade unionists in recent years, has attracted virtually unprecedented condemnation and concern. On April 19, 2007, five major international garment retailers wrote an open letter to the government expressing their concern at the killing and general pattern of violence against union leaders, and calling for a thorough, independent investigation to bring the killers to justice.<sup>46</sup> On May 1, 242 organizations, federations and companies from around the world, including major retailers such as the Adidas group, issued a statement calling for justice for Hy Vuthy, and noting the other recent attacks on union leaders.<sup>47</sup>

Perhaps most significantly, the International Labor Organization (ILO) has expressed increasing concern at the climate of fear and violence amongst Cambodia's trade union activists.

In June 2007, the ILO Committee on Freedom of Association submitted a report to the organization's governing body expressing deep concern at the "extreme seriousness" of the situation in Cambodia. It cited the murders of Hy Vuthy, Chea Vichea and Ros Sovannareth, and other attacks against unionists including the FTU officials at Bright Sky and Suntex as detailed above.

<sup>41</sup> *Global retailers urge full probe of union killing*, The Cambodia Daily, April 26, 2007.

<sup>42</sup> Yun Samean & James Welsh, *Adidas, Labor Groups Call for Murder Investigation*, The Cambodia Daily, May 1, 2007.

<sup>43</sup> Unpublished LICADHO monitoring report.

<sup>44</sup> *March to memorialize slain union president*, The Cambodia Daily, January 22, 2008; Yun Samean, *FTU calls for renewed investigation into slaying*, The Cambodia Daily, February 26, 2008.

<sup>45</sup> For more on the case, see *Human Rights in Cambodia: The Charade of Justice*, LICADHO Report, December 2007.

The committee strongly suggested that, “in the absence of any significant efforts on the part of the Government to thoroughly investigate” Hy Vuthy’s murder and other attacks upon labor leaders, the government should accept an ILO expert mission to Cambodia to carry out an investigation.<sup>48</sup>

Also in June, the ILO Committee on the Application of Standards expressed its deep concern over the murders of Hy Vuthy, Chea Vichea, Ros Sovannareth, death threats and the “emerging climate of impunity in the country,” and urged the Cambodian government to accept an ILO mission to Cambodia.<sup>49</sup>

In April 2008, with the agreement of the government, an ILO mission visited Cambodia to assess the efforts made by the Cambodian authorities to investigate “all such threats or murders.” The mission will report back to the ILO Committee of Experts on the Application of Conventions and Recommendations by the end of the year.<sup>50</sup> LICADHO eagerly awaits the findings of this mission, and hopes that it can help advance justice for Hy Vuthy and other unionists who have been persecuted for their defense of human rights.

## Community Representatives in Land Disputes

By far the greatest number of attacks against human rights defenders documented in 2007 concerned community activists targeted for their representation of fellow citizens in land disputes with powerful political and business interests. Verbal threats against representatives, including death threats, are so commonplace that they go largely unreported. However the trend of targeting representatives with arrest, detention and malicious legal charges appears even more widespread than in previous years.

In January, a representative of over 500 families engaged in a long-running land dispute in Koh Kong province was summonsed to the provincial court for questioning over a murder the previous month. With no evidence connecting him to the killing, the summons was widely interpreted as an attempt to intimidate him for his activism. In a show of solidarity, 50 of the villagers he represented chose to walk with him to the provincial town and alerted the media; fearing bad publicity, the court backed down and cancelled the questioning.

In May, four representatives of 30 families were arrested and charged with violation of private property in Kep, based on a violent eviction that had taken place in 2004. The same month, two representatives of 50 families in a Prey Veng land dispute were arrested on unwarranted charges of rice robbery. Numerous serious human rights abuses have been previously recorded in this same dispute, including the killing of 17-year-old villager Yeng Soheat on December 12, 2006. Soheat was shot dead when 20 armed men opened fire on a group of unarmed villagers who had tried to approach Peam Chor deputy district governor Y Sam Ol. No one has been prosecuted in the killing.<sup>51</sup>

<sup>46</sup> Letter to Hun Sen et al from Eddie Bauer, Gap Inc, H&M Hennes & Mauritz, Liz Claiborne and Phillips-Van Heusen, April 19, 2007.

<sup>47</sup> *Call For Justice*, Joint Statement endorsed By 242 Groups From Cambodia And 82 Countries Worldwide, May 1, 2007.

<sup>48</sup> ILO Committee on Freedom of Association Report No. 346 (Vol. LXXXVX, 2007, Series B, No. 2), June 2007

<sup>49</sup> Report of the Committee on the Application of Standards, Provisional Record, International Labor Conference 96th Session, Geneva, 2007

<sup>50</sup> ILO communication with LICADHO, February 2008.

<sup>51</sup> Unpublished LICADHO monitoring report

In June, charges were dropped at Battambang provincial court against Chim Keo, a representative of 14 families in Koh Ream village, Khnach Romeas commune, Bavel district. However Keo, who had been in pre-trial detention since November 17, 2006, was sent back to prison pending a prosecution appeal. He had been charged with infringement of private property, relating to a long-running land dispute with businessman Ieng Oeun, brother-in-law of Pursat Provincial Governor Chhay Sareth. A Ministry of Justice taskforce, which investigated the case in December 2006, had concluded that Keo had been illegally detained and should be released immediately on bail. Following numerous interventions by human rights organizations, he was finally released in October. The appeal against his acquittal is still pending.<sup>52</sup>

In August, two representatives of 100 families were jailed for several days by Siem Reap Provincial Court over their activism in a land dispute. In a familiar tactic, the court summoned them for questioning, only to arrest them and place them in detention when they arrived.<sup>53</sup>

It is increasingly common for large numbers of land-grabbing victims to travel to Phnom Penh in the desperate hope of raising their concerns with central government officials. They rarely meet with success, and more frequently receive further threats and intimidation. In March, 122 villagers from Koh Kong walked all the way to Phnom Penh to petition the government and were threatened by circling trucks with loudspeakers, warning that their security “could not be guaranteed.” In October, some 100 villagers from Svay Rieng traveled to Phnom Penh to protest the grabbing of their land by a state-owned rubber company and were violently forced onto buses and sent back to their province. Several villagers were beaten, and two taken unconscious to the hospital.<sup>54</sup>

The violence and legal charges directed against land rights activists in 2007 was a direct continuation of patterns observed in 2006, as two cases from each year clearly demonstrate.

#### **Update: So Socheat and the Wat Bo Village community, Siem Reap**

In the report *Attacks & Threats Against Human Rights Defenders in Cambodia 2006*, LICADHO featured the case of So Socheat, a 23-year-old woman nominated as a community representative in Wat Bo Village, Siem Reap town, where 49 families are in a long-running dispute with the chief monk of the pagoda for which the village is named. The families claim to have lived in the area for decades, and have land titles given to them in 1990, while the chief monk, who is backed by Great Supreme Patriarch Tep Vong, has produced documents dated in 1995 to claim the villagers’ land.

On May 3, 2006, a peaceful protest organized by the Socheat and her fellow representatives was violently broken up by about 40 armed police, who beat the villagers with electric shock batons. Socheat tried to intervene to prevent the violence, but was herself beaten so badly she could not walk, before being arrested, handcuffed and detained in the commune police post. Once there, a police officer tried to force her to thumbprint a document admitting criminal damage, which she refused.

<sup>52</sup> Unpublished LICADHO monitoring report

<sup>53</sup> Chhay Channyda, *Land Demonstrators Call for Detainees’ Release*, The Cambodia Daily, August 15, 2007.

<sup>54</sup> LICADHO Media Statement; see also Prak Chan Thul and Yun Samean, *Villagers Protest Outside PM’s House To Get Their Land Back*, The Cambodia Daily, October 18, 2007.

After a night in detention, Socheat was released on bail following negotiations with the authorities by her fellow villagers and interventions by human rights NGOs. However, she was then charged by the Siem Reap provincial court with battery with injury and destruction of property.

The battery with injury charge related to a complaint by a policeman that villagers grabbed and pulled his testicles during the incident, while the property destruction charge related to the same policeman's ICOM radio, which was allegedly broken when it fell to the ground around the same time.

On October 22, 2007, Socheat was tried at the Siem Reap court. At the trial, policeman Yoeum Odum testified that several villagers had pulled his testicles and snatched at his ICOM radio, but he specifically stated that Socheat was not one of them. No medical certificate or other evidence was presented to the court that any injury had been suffered by Yoeum Odum. Similarly, the damaged ICOM radio was not shown to the court.

Despite the overwhelming lack of evidence against her, So Socheat was convicted on both counts. Judge Kun Sokhal admitted that Socheat had not personally committed the crimes of which she was accused, but nevertheless convicted her as the "ringleader," in blatant contravention of Cambodian law. She was sentenced to eight months in prison and a 500,000 riel (US\$125) fine. At the end of 2007, she remained at liberty, pending an Appeal Court hearing on her appeal against the verdict.

#### **Update: Chhea Ny and the Bavel land dispute**

In the report *Attacks & Threats Against Human Rights Defenders in Cambodia 2006*, LICADHO featured the cases of Chhea Ny and other representatives of 3,170 families engaged in a land dispute in Bavel district, Battambang province. The case involves land around Boeung Pram village, Ampil Pram Daeum commune of Bavel, which had been settled by landless families of former soldiers, believing it to be vacant state-owned forest. However, wealthy businesspeople then claimed they had purchased the land from a local military commander.

Following a complaint by the businesspeople who claimed to own the land, community representative Chhea Ny was arrested amid chaotic scenes on August 1, 2006, and sent to Battambang prison. On September 4 he was joined there by fellow activists Hem Lack and 78-year-old Mou Sabb. Two other activists, Rous Saroeun and Oeun Mao, fled and were not arrested. All five were charged with infringement against private ownership, and Chhea Ny, Hem Lack and Mou Sabb, were repeatedly denied bail.

At a trial on February 13, 2007, the court convicted the five villagers of using violence to infringe on the private property of others. Chhea Ny was not present at the trial, having been transferred to prison in Phnom Penh, and the court ignored repeated requests by his lawyer for him to be sent to Battambang for the trial. Neither the plaintiffs nor any prosecution witnesses testified at the trial, and no evidence was presented of violent activity on the part of the defendants. Nonetheless, Chhea Ny, Rous Saroeun and Oeun Mao were all sentenced in absentia to serve one year in prison and pay \$400 compensation to the plaintiffs. Hem Lack and Mou Sabb, who were present at the trial, were sentenced to six months imprisonment. Having already served more than six months in pre-trial detention, they were released following the trial.



This trial demonstrated another common perversion of justice in the persecution of land rights activists: the plaintiffs' lawyer acknowledged that his clients did not have titles to the land, and in his verdict the judge instructed that they should apply to the Cadastral Commission for land titles. Yet despite this acknowledgment that the plaintiffs did not officially own the land, the defendants were still convicted of infringing on private property.

Chhea Ny's absence at the hearing made him eligible for a retrial, which was conducted on May 4, 2007, and during which his lawyer provided additional evidence to demonstrate that the land in question was public state property rather than private property. In a verdict announced on May 11, the charge was simply altered to destruction of public state property, and the one-year sentence changed to nine months imprisonment and three months suspended. Although Ny had already served more than nine months in pre-trial detention, he remained in prison pending still further charges against him.

On August 9, 2007, Chhea Ny was sentenced to a further three months imprisonment and 400,000 riel (\$100) compensation for wrongful damage of private property. Despite having already served this sentence in pre-trial detention, Ny was kept in prison after Battambang prosecutor Sar Yosthavarak appealed the verdict.

Chhea Ny thereby fell victim to another extremely disturbing Cambodian legal practice, which has been widely used to persecute human rights defenders and others without financial or official influence.

In Cambodia, if a prosecutor appeals a verdict by the court of first instance, the detainee remains in prison until the Appeal Court hears the case. Due to long delays at the Appeal Court, detainees who have been acquitted, or convicted prisoners who have already served their sentences, can remain in prison for years awaiting appeal hearings.

In a disturbing development, this longstanding policy was formalized into Cambodian law in August 2007 as Article 398 of the new Criminal Procedure Code, drawn up with the assistance of international legal advisors. Yet it stands in blatant contravention of international standards. Continued detention in these circumstances should be the exception rather than the rule, and should only be considered in the most grievous of offenses, such as murder and serious physical or sexual assault.

Thankfully, Article 398 does also allow for prosecutors to consider applications for bail under certain circumstances, while placing them under no obligation to do so. In Chhea Ny's case, an application for bail based on Article 398 was successful, and he was finally released on December 6, 2007. The appeal against him remains pending, as does a separate charge of infringement of individual rights.

To date, Chhea Ny's case is the only one known to LICADHO where Article 398 has been used to free a detainee who should clearly not be in prison.<sup>55</sup> Prosecutor Sar Yosthavarak is to be commended for his adherence to human rights standards in this case; it is to be hoped that other prosecutors will follow his example, that the General Prosecutor will issue instructions advising them to do so, and that the Cambodian government will consider amending Article 398 to bring it into accordance with international standards.

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<sup>55</sup> On October 4, 2007, land rights activist Chim Keo, who had been acquitted at trial on June 5, 2007, but remained in detention pending a prosecution appeal, was also freed on bail by the Battambang court. However Article 398 was not used in this instance. See page 33 for more information.

### Case Study: The Dey Krahom Community

Few cases in 2007 better illustrate the practice of business, government, police and courts colluding in malicious prosecution of community representatives than that of Dey Krahom in Phnom Penh. Dey Krahom is one of the communities facing eviction in the riverside area of Tonle Bassac, Chamkar Mon district. The valuable land was originally promised as a social land concession to the area's longstanding, but poor, residents. However in 2005, the residents were told to give up the area and move to new housing 20 kilometers away. Many residents resisted this order, and refused to recognize a fraudulent agreement signed on their behalf that accepted it. However, instead of annulling the agreement and negotiating an acceptable settlement, the company which now claims the land has embarked on a campaign of harassment and intimidation against the residents and their representatives to accept the agreement and "voluntarily" move out.

The intimidation has come in many forms, from verbal threats against residents and rumors of imminent evictions, to violent confrontations with members of the security forces and workers for the company, called 7NG, which claims the land. Yet perhaps the most insidious threats involve the slew of unwarranted criminal charges directed by the Phnom Penh municipal court at representatives of the Dey Krahom community, often based on the provocation, complaints and testimony of the 7NG company.

On July 3, five representatives were charged with property destruction. The charges were based on a criminal complaint filed by 7NG, and relate to the events of June 26-30, when a fence erected by the company was supposedly damaged by villagers.



Villagers fighting with police as they try to protect their homes

On October 3, four representatives, including three of those charged in July, were charged with new counts of property destruction. Female representative Touch Ratha was additionally charged with robbery, based on an incident during a September 27 press conference, when a guard for the 7NG company tried to photograph her with his mobile phone. She brushed his hand away, he dropped his phone, but instead of picking it up again, he walked away and then complained to the police that it had been stolen. Ratha was then taken to the commune police post, where a crowd gathered and a police motorcycle was allegedly damaged – the supposed basis for the property destruction charges.

Touch Ratha would go on to be charged with yet another count of property destruction on October 22, along with two other representatives and five other Dey Krahom residents. These new charges related to the events of October 17, when a banner erected by commune officials and which stated that Dey Krahom was a "public park" was allegedly removed.

Then, on December 7, two representatives were charged with property destruction and physical assault, again based on a criminal complaint filed by the 7NG company. This related to the events of December 3, when the company attempted to drive a large mechanical excavator into the area, prompting fears that houses would be destroyed. Some residents – mostly children – threw stones at the excavator, breaking some windows and allegedly

injuring a 7NG employee. Yet the representatives, who were targeted for prosecution, had appealed to the crowd to calm down and not to use violence against company staff or property. Both had already been the subject of other malicious charges earlier in the year.

All of those mentioned above remain free at present, although with the threat of lengthy prison sentences hanging over them, and under heavy pressure to stop defending the rights of their fellow residents. Less fortunate still, however, is female representative Ros Pouy, who was arrested on September 14 on charges of physical assault and detained in Prey Sar prison. She was accused of assaulting and injuring several 7NG company workers during an incident on August 4 when a group of workers came to dismantle houses in the community. A human rights worker present during the incident did not observe her assaulting anyone, yet on January 21, 2008, she was convicted of physical assault and sentenced to six months imprisonment, with a further 18 months suspended. The conviction was based solely on the testimony of 7NG staff, and the prosecution failed to produce any medical evidence regarding the supposed injuries.

The Phnom Penh court has shown little interest to date in acting on complaints filed by the Dey Krahorm community against the 7NG company and others responsible for the fraudulent attempt to appropriate their land. Yet it seems happy to charge and convict community representatives of serious criminal offenses, without any evidence whatsoever.

### Case Study: The Kong Yu Land Dispute

A dispute between ethnic Jarai villagers in Ratanakiri province and a relative of powerful government officials has escalated into a critical test case, not only for whether the courts will respect the legal protection of indigenous land, but also for whether human rights lawyers will be able to freely represent their clients.

On January 23, 2007, 12 representatives of Kong Yu and Kong Thom villages in O'Yadao district filed civil and criminal complaints to the Ratanakiri provincial court over the alleged grabbing of 450 hectares of their communally-owned land in 2004. The land had supposedly been grabbed by Keat Kolney, sister of Minister of Finance and Economics Keat Chhon and wife of Ministry of Land Management Secretary of State Chhan Saphan.

Keat Kolney maintains that the land was purchased legitimately. The villagers claim that they were tricked out of the land; that they initially agreed to provide just 50 hectares for use by the Prime Minister's demobilized soldiers, having been told that it would be taken even if they did not agree; and that they were tricked into thumb-printing blank documents after being plied with alcohol. In any event, argued their lawyers, any transfer of communally-owned indigenous land is forbidden under the 2001 Land Law, and hence any such deal is automatically invalid.

On June 21, Keat Kolney responded by filing a criminal complaint at the Ratanakiri court against the 12 community representatives, accusing them of fraud, incitement, defamation and complicity. She also accused the villagers' 10 NGO lawyers – from the Community Legal Education Center (CLEC) and Legal Aid of Cambodia (LAC) of inciting the villagers to complain against her, although her complaint stopped short of naming the lawyers as suspects in the criminal case. However, lawyers who saw the case files confirmed that many of their names were mentioned personally and feared that a criminal case might be built against them.

Pressure on the community representatives mounted as the year went on. In August, the Cambodian Television Network (CTN) broadcast two reports by journalist Soy Sopheap about the land dispute. The broadcasts were heavily biased in favor of Keat Kolney, and accused NGOs of incitement. The community representatives and NGO lawyers were not interviewed, and instead the broadcasts featured interviews with relatives of a former village chief who the villagers accuse of facilitating the land grabbing.<sup>56</sup>

As publicity surrounding the case increased, local authorities tried their best to limit access to Kong Yu by human rights defenders from the world outside. In September and November, public forums planned to be held by two human rights organizations in Kong Yu were banned by provincial authorities, and the organizations' staff were stopped at police roadblocks as they tried to get to the village. In October, the community representatives' own legal team was similarly barred from entering the village when they tried to meet with their clients. And in December, a district official accompanied by armed police and military accosted Yash Ghai, Special Representative of the UN Secretary-General for Human Rights in Cambodia, as he concluded a meeting with the villagers, and accused him of not having permission to be in the village. However, Deputy District Governor On Kit declined Ghai's invitation to arrest him if he had committed a crime.

Meanwhile the human rights lawyers were facing further problems of their own. Not only were they named in the criminal complaint, but on June 19 Keat Kolney had sent a complaint to the Cambodian Bar Association naming each of the 10 NGO lawyers. Accusing them of inciting the villagers to file wrongful complaints and defame her, she asked the Bar Association to "take legal measures to investigate the case."<sup>57</sup> The Bar opened an investigation into the conduct of the lawyers, requiring each of them to respond to the accusations, and with the possible sanction of preventing them from ever working again.

The pressure swiftly mounted. On June 24, Ly Tayseng, Secretary-General of the Bar Association, stated publicly that NGOs must sign Memoranda of Understanding in order to be able to legally employ lawyers. He accused the Community Legal Education Center (CLEC), one of the two NGOs whose lawyers were representing Kong Yu villagers, of being in violation of the *Law on the Bar* for not having such an agreement. Ly Tayseng claimed that Legal Aid of Cambodia (LAC), the second organization representing Kong Yu villagers, as well as the legal aid NGO the Cambodian Defenders Project (CDP), could be in violation of the law as well.<sup>58</sup> On June 22, the Bar had written to CDP claiming that it was against the law for the organization to employ lawyers as staff members, because this would violate the independence and autonomy of the legal profession. Analysts from other legal aid NGOs disagreed with this interpretation of the *Law on the Bar*, arguing that there was no reason why working for an NGO compromised the independence of lawyers.<sup>59</sup>

This kind of threat against human rights lawyers was not new. In May 2007, 12 trainee lawyers working in internships at human rights and other NGOs were forced by the Bar Association to quit. Bar President Ky Tech threatened to refuse to admit the trainee lawyers to the Bar if they continued with the internships, sponsored by the United States Agency for International Development (USAID). The trainees resigned from the internships.

<sup>56</sup> *Joint Press Statement by NGOs and NGO Networks about the CTN broadcast reporting from Kong Yu Village*, O'Yadao District, Ratanakiri Province, August 21, 2007

<sup>57</sup> Prak Chan Thul & Erika Kinetz, *Keat Kolney Files Complaint Against 10 Lawyers*, The Cambodia Daily, June 23-24, 2007.

<sup>58</sup> Erika Kinetz & Yun Samean, *Bar Questions Aid Lawyers' Legal Standing*, The Cambodia Daily, June 25, 2007.

<sup>59</sup> Erika Kinetz & Prak Chan Thul, *Bar Association tells NGO Not To Employ Lawyers on Staff*, The Cambodia Daily, July 27, 2007.

However, the timing of the latest statements, coming days after Keat Kolney's complaint to the Bar, suggested an act of intimidation against the Kong Yu lawyers. By the end of the year, all but two of the lawyers concerned had resigned from their organizations and stopped working on the Kong Yu case. The former lawyers have been understandably reticent about discussing the case and the pressure that they were under. However, LICADHO has received credible information that at least several of the lawyers who resigned had been the target of intimidation, including veiled death threats, before their decision to quit.

At the close of 2007, none of the legal cases relating to the Kong Yu dispute had been resolved. In April 2008, Ratanakiri court investigating judge Yar Narin declared that he would no longer actively investigate the villagers' civil land case against Keat Kolney; the judge said that he was unhappy that neither side in the case had agreed to pay court fees of \$1,500 and that villagers had refused to allow Keat Kolney's company access to their land to measure it for the court case.<sup>60</sup> And although most of the lawyers have now left the case, the Bar Association investigation into them is still hanging over their heads and they have not been notified of any result of it.

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<sup>60</sup> Yun Samean, *Land dispute judge to stop seeking evidence*, The Cambodia Daily, April 28, 2008. According to legal advisors familiar with the case, the judge did not issue any order for court costs to be paid in accordance with the Civil Procedure Law.

## IV. RECOMMENDATIONS

LICADHO believes that the Royal Government should take the following measures, and the international community should insist the government do so.

- Take immediate steps to investigate and prosecute alleged perpetrators of violence and intimidation towards human rights defenders.
- Require that authorities at all levels cooperate with, and cease obstruction of, the activities of legitimate human rights organizations.
- Fully decriminalize defamation under the current criminal code (the “UNTAC Law”), and also decriminalize disinformation. Ensure that there are no criminal defamation or disinformation provisions in the forthcoming new criminal code.
- Make public the most recent draft of the new criminal code, and invite genuine public consultation on its content.
- Repeal Article 398 of the new criminal procedure code, and replace it with an article emphasizing the principle of freedom for those who have been acquitted in court or completed their sentences. Until this article is amended, the General Prosecutor should take immediate steps to communicate this principle to prosecutors throughout the country, and ensure that detention is only extended in the most serious of cases.
- Oppose the demands by the Cambodian Bar Association for Memoranda of Understanding over the employment of lawyers by Cambodian NGOs, and ensure that all lawyers in Cambodia are able to represent their clients without fear of reprisal.
- Take action to ensure an end to the persecution of Khmer Kampuchea Krom monks involved in peaceful and legitimate advocacy, information dissemination and protest.
- Issue clear instructions to clarify the legal status in Cambodia of ethnic Khmer from the Kampuchea Krom region of Vietnam, including their immigration status and the rights they enjoy under Cambodia law.
- Fully comply with its obligations under the 1951 Refugee Convention, and cease threats, harassment and intimidation of those who assist asylum seekers.
- Insist that all laws relating to land and natural resources are applied in a fair and accurate manner by the Cambodian courts
- Ensure that parties in land and natural resource conflicts are not charged with property violations while the ownership of the land or resources in question remains unresolved.

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## Annex: Table of incidents involving human rights defenders in Cambodia, January-December 2007

DATE	CASE DETAIL
January 1	<p><b>Obstruction of protest against alleged sale of public lake in Kampot<sup>61</sup></b></p> <ul style="list-style-type: none"> <li>More than 64 villagers, representing hundreds of residents from several different communes, attempted to protest against land dealers who were measuring a lake in Kampong Trach district.</li> <li>The villagers, who rely on the lake for fishing and irrigation, claimed that it had been sold by a local commune chief to a private company.</li> <li>Although there were no reports of any violence, two police officers armed with AK-47 rifles blocked the villagers' march to the lake.</li> <li>The sale subsequently went ahead, with some families receiving compensation of 100-200 USD.</li> </ul>
January 3	<p><b>Community representatives beaten and arrested in land dispute in Sihanoukville<sup>62</sup></b></p> <ul style="list-style-type: none"> <li>Phan Bunthy, 45, and his wife, Meas Neang, 42, were allegedly beaten and electrocuted by police during a land dispute in Mittaphead district's Muoy commune. Phan Bunthy was then detained.</li> <li>More than 30 Sihanoukville villagers protested in front of the municipality's police headquarters demanding the release of Phan Bunthy.</li> <li>Seven other villagers were summoned on January 6 to appear at the municipality court for questioning for allegedly inciting villagers to fight police, although human rights monitors observed that villagers did not fight back against the police during the violence.</li> <li>The arrested persons were released after villagers protested in front of the municipal court.</li> <li>The charges are still pending, and villagers have continued to live on the land.</li> </ul>
January 9	<p><b>Union activists in Phnom Penh fired for striking in support of dismissed colleagues<sup>63</sup></b></p> <ul style="list-style-type: none"> <li>22 staff members of the Phnom Penh Municipal Cable TV company in Prampi Makara district were dismissed from their jobs for striking in support of fellow union members.</li> <li>The activists were calling for the reinstatement of eight employees who they claim were fired in 2006 for establishing a union at the company.</li> <li>Following negotiations on January 15, the majority of the activists were reinstated. However, the company refused to reinstate five activists who it accused of illegally installing cable TV for personal gain.</li> </ul>

<sup>61</sup> Unpublished LICADHO monitoring report; see also Kuch Naren, *Protesters Say Commune Chief Sold the District's Lake*, The Cambodia Daily, January 3, 2007.

<sup>62</sup> Kuch Naren, *Demonstrators Demand Jailed Man's Release*, The Cambodia Daily, January 5, 2007.

<sup>63</sup> Unpublished LICADHO monitoring report.

January 11

**Union activists in Phnom Penh arrested during protest in support of dismissed colleagues<sup>64</sup>**

- Eng Vanna, union president at the Phnom Penh Municipal Cable TV company, his deputy Ly Seng Horn and Free Trade Union representative Pol Sopheak were arrested during a peaceful sit-down protest outside the company's offices.
- The three were protesting against the dismissal of 22 union members two days earlier and eight of their colleagues in 2006.
- The three men were held at the district police headquarters for several hours, then released after signing agreements not to demonstrate again.

January 15

**Community representative summoned for questioning on murder in Koh Kong<sup>65</sup>**

- Kong Sin Chhoun, a representative of 500 families engaged in a land dispute in Chi Kor Leu commune, Sre Ambel district, was summoned for questioning at the Koh Kong provincial court.
- The questioning concerned the December 2006 ax murder of fellow villager An In (who had also been active in defending villagers' land rights in the commune). There was no evidence to implicate Sin Chhoun in the murder, and observers feared the summons was an attempt to intimidate him over his land rights activism.
- Lawyers for Sin Chhoun were able to successfully delay the questioning until January 22, when he began walking to the provincial town accompanied by 50 supporters. Realizing that journalists were awaiting the group in the provincial town and apparently fearing negative publicity, the court then called off the questioning.
- The families in this dispute allege that companies controlled by CPP senator Ly Yong Phat destroyed their crops in 2006 to make way for a 20,000-hectare sugarcane plantation. In March 2007, a group of representatives were threatened after walking to Phnom Penh to raise their case with national authorities (see page 15).

January 24

**Union leader assaulted in Phnom Penh<sup>66</sup>**

- Sen Sithourn, a union leader at the Shoes Premier footwear factory, was attacked by at least four masked men as he left the factory in Toul Sangke commune, Russey Keo district.
- Sithourn, who served as General Secretary of the Free Trade Union of Workers in the Kingdom of Cambodia at the factory, was beaten with a pipe, sustaining injuries to the left side of his head.
- The attack followed a series of similar assaults against union leaders, particularly against those from the Free Trade Union (FTU) in 2006 (see page 12).

<sup>64</sup> Unpublished LICADHO monitoring report, ; see also Yun Samean, *3 Men Arrested For Taking Part in Sit-Down Protest*, The Cambodia Daily, January 12, 2007 and *PPCTV Union Leaders Detained*, FTUWKC news release, January 15, 2007.

<sup>65</sup> Unpublished LICADHO monitoring report.

<sup>66</sup> General Secretary of Shoes Premier Attacked, FTUWKC News Release, January 29, 2007.



February 13

**Five community activists sentenced to jail in Battambang land dispute<sup>67</sup>**

- Battambang provincial court convicted five villagers, including a 78-year-old man, of using violence to infringe on the private property of others in a long-running land dispute in Bavel district.
- The main defendant, community representative Chhea Ny, was not present at the trial because he had been transferred to prison in Phnom Penh. The court ignored repeated requests by his lawyer for him to be sent to Battambang for the trial.
- Neither the plaintiffs nor any prosecution witnesses testified at the trial, preventing defense lawyers from questioning them, and no evidence was presented at court that the defendants had used violence against anybody.
- Despite the lack of evidence, Chhea Ny was convicted and sentenced to one year imprisonment, as well as to pay 1.6 million riel compensation to the plaintiffs. Two other defendants, who were not present at the trial because they had fled from arrest, received the same sentence. The last two defendants, Hem Lack and 78-year-old Mou Sabb, who were present at the trial, were sentenced to six months imprisonment. Having already served more than six months in pre-trial detention, they were released following the trial.
- In May 2007, Chhea Ny was retried in this case. He was convicted once again, but the charges changed from violation of private property to violation of public property (see below for further details).

February 24

**Union leader assassinated in Phnom Penh<sup>68</sup>**

- Hy Vuthy, the president of the Free Trade Union at the Suntex garment factory, was shot dead by two unidentified men on a motorcycle as he drove home from work.
- Prior to his murder, Hy Vuthy's had received telephone death threats, warning him to quit his job.
- At time of writing, there had been no arrests made in the killing.
- Phnom Penh police chief Touch Naruth has repeatedly claimed to have obtained arrest warrants for two suspects in the case; however lawyers for the victim's family have reported that there are no warrants in the court file.
- The death follows the murders of FTU leaders Chea Vichea and Ros Sovannareth in 2004, and physical assaults against leaders of the FTU and other unions in 2006.

<sup>67</sup> *Unfair Court Verdict in Bavel Land Case*, LICADHO Media Statement, February 15, 2007; see also *Update: Chhea Ny and the Bavel Land Dispute* in Section III of this report.

<sup>68</sup> *Joint Media Statement On The Murder Of Hy Vuthy*, LICADHO, ADHOC & CCHR, February 26, 2007; see also Yun Samean and Douglas Gillison, *Free Trade Union Official Gunned Down*, The Cambodia Daily, February 26, 2007, and subsequent coverage.

February 27

**Police crackdown on minority rights protest by monks in Phnom Penh<sup>69</sup>**

- More than 150 police armed with shields, tear gas, electric batons and guns were deployed to disperse a demonstration by 52 Khmer Kampuchea Krom monks in front of the Vietnamese embassy.
- The police tried to force the monks onto buses to be taken away to be defrocked but this was prevented by negotiation with human rights workers.
- The monks were demanding the reversal of a decision made by Vietnamese authorities to defrock nine monks who allegedly took part in a Khmer Krom demonstration in southern Vietnam.
- The planned demonstration was part of a larger campaign taking place in several countries throughout the world to protest the defrocking.

February 27

**Suspicious death of monk in Kandal, following participation in minority rights protest<sup>70</sup>**

- Khmer Kampuchea Krom monk Eang Sok Thoeun was found dead in an Ang Snoul district pagoda hours after attending the Vietnamese embassy protest, his throat slit several times.
- Human rights organizations doubted the police's account that he committed suicide by cutting his own throat. The body was buried within 24 hours by local authorities, before an autopsy could be conducted.
- On March 7, the Khmer Kampuchea Krom Buddhist Monk Association filed a request to the Kandal prosecutor Huot Vuthy to exhume the body and to conduct an autopsy. The prosecutor did not grant this request.

March 7

**Land protestors threatened in Phnom Penh<sup>71</sup>**

- A group of 122 villagers from Koh Kong province were told by loudspeaker that their safety "could not be ensured" if they remained camped in the park opposite the National Assembly, protesting the loss of their land.
- The group, which represented over 500 families in Chi Kor Leu commune, Sre Ambel district, had arrived in Phnom Penh on March 6 after a weeklong march to seek a meeting with the Prime Minister.
- The villagers claimed that companies controlled by CPP senator Ly Yong Phat destroyed their crops in 2006 to make way for a 20,000-hectare sugarcane plantation.
- In January, a representative of the families had been intimidated by the Koh Kong court over the 2006 murder of a fellow villager (see page 15).

<sup>69</sup> *Joint Media Statement On The Crackdown On Peaceful Monks Protest*, LICADHO, ADHOC & CCHR, February 27, 2007; see also Yun Samean, *50 Monks Stage Protest Near Vietnamese Embassy*, The Cambodia Daily, February 28, 2007.

<sup>70</sup> Unpublished LICADHO monitoring report; see also Prak Chan Thul, *Monk Died Hours After Protesting Against VN*, The Cambodia Daily, March 3-4, 2007, and Yun Samean, *Calls for Re-Investigation Into Khmer Krom Death*, The Cambodia Daily, March 7, 2007.

<sup>71</sup> Yun Samean and Douglas Gillison, *Villagers Hope To See Hun Sen Over Land Dispute*, The Cambodia Daily, March 9, 2007, and Yun Samean and Douglas Gillison, *Marching K Kong Villagers Want Hun Sen Audience*, The Cambodia Daily, March 7, 2007.

<b>March 30</b>	<p><b>Human rights observers detained during eviction in Siem Reap<sup>72</sup></b></p> <ul style="list-style-type: none"> <li>▪ Sourn Narin, a monitor for local human rights NGO ADHOC, and Kong Leap, an officer for the Cambodian Center for Human Rights (CCHR) at Siem Reap, were taken by the police for questioning while observing an eviction of more than 100 families on land in the Angkor Wat complex.</li> <li>▪ The rights workers were freed an hour later after being questioned by Apsara Authority officials.</li> </ul>
<b>April 19</b>	<p><b>Assault on union leader in Phnom Penh<sup>73</sup></b></p> <ul style="list-style-type: none"> <li>▪ Mrs. Chharm Samain, President of the Cambodia Labour Union Federation (CLUF) at the Vivatino Design Garment Factory in Russei Keo district, was assaulted during a strike at the factory.</li> <li>▪ Mrs. Chharm, who was pregnant at the time, was beaten and kicked, resulting in bruises and swelling. CLUF claimed that the assault happened when two bodyguards of a factory manager tried to grab a megaphone from her.</li> <li>▪ CLUF filed a complaint to the Ministry of Labor and to the Prime Minister. The complaints were believed to have been dropped after Mrs. Chharm was compensated for the attack.</li> </ul>
<b>April 20</b>	<p><b>Minority villagers jailed for assisting asylum seekers in Ratanakiri<sup>74</sup></b></p> <ul style="list-style-type: none"> <li>▪ Thol Nguyen, Kralan Phoeurng and Rocham Hloeur, ethnic Jarai from Andong Meas district, were arrested as they guided a group of 18 Vietnamese Montagnard asylum seekers to meet with representatives of the United Nations High Commissioner for Refugees (UNHCR). The three men were placed in pre-trial detention by the Ratanakiri provincial court, on charges of assisting illegal immigration.</li> <li>▪ Fellow villagers insisted that the victims had merely assisted the asylum seekers within Cambodia, including buying food and other supplies for the group whilst they waited months for the government to permit UNHCR to travel to Ratanakiri and pick them up.</li> <li>▪ Judge An Samnang initially refused to consider bail for the three men unless a fourth suspect surrendered himself to the court, effectively holding them as hostages.</li> <li>▪ On September 16, the three were released after nearly five months detention in Ratanakiri provincial prison.</li> <li>▪ The two were later released on bail however the charges are still pending.</li> </ul>

<sup>72</sup> Unpublished LICADHO monitoring report; see also Chean Sokha, *Migrant Families evicted from Angkor Wat complex*, Phnom Penh Post, April 6-19, 2007.

<sup>73</sup> Information received from American Center for International Labor Solidarity, April 2007 and February 2008; see also *Factory's Bodyguard Hit Strikers*, FTUWKC News Release, April 19, 2007.

<sup>74</sup> Thet Sambath, *UN Places 18 R'kiri Montagnars Under Protection*, The Cambodia Daily, April 23, 2007, and subsequent coverage; also information provided by ADHOC, February 2008.

April 20

**Violent crackdown on minority rights protest by monks in Phnom Penh<sup>75</sup>**

- A group of around 50 Khmer Kampuchea Krom monks attempted to deliver a letter of protest to the Vietnamese embassy over the treatment of fellow monks in Vietnam. The letter called on Vietnam to account for three missing monks and reinstate six monks who were defrocked in February, allegedly for engaging in political agitation
- After being blocked by police from approaching the embassy, the monks marched through Phnom Penh, until their progress was blocked by a group of monks and unidentified men in civilian dress who emerged from Wat Ounalom. A fracas developed, with several monks injured.
- There were suspicions that the Wat Ounalom monks and others with them were acting on the orders of authorities to disrupt the protest.
- Later that day, a Khmer Kampuchea monk who had participated in the demonstration was beaten by a group of unknown men after returning to his pagoda.

Early May

**Lawyers banned from human rights training<sup>76</sup>**

- 12 new lawyers participating in a Law Fellows Program supported by the United States Agency for International Development's (USAID) Program on Rights and Justice were forced to resign.
- The program, launched in 2005, placed trainee lawyers into internships at human rights and other NGOs for a period of one year. This served to fulfill a component of training required for admission to the Bar as per Article 35 of the Law on the Bar.
- The previous year's participants completed their internships and were admitted to the Bar without incident.
- However, Bar President Ky Tech threatened to refuse to admit the 2007 trainee lawyers to the Bar if they continued to participate in the program, resulting in their resignation. The lawyers were also forced to submit written statements to the Bar confirming that they would not work with the program and NGOs in the future.

<sup>75</sup> Kay Kimsong, *Local and Khmer Krom Monks Clash During Protest March*, The Cambodia Daily, April 21-22, 2007, and Yun Samean and Elizabeth Tomei, *Opposition Demands Investigation of Monk Scuffle*, The Cambodia Daily, April 23, 2007.

<sup>76</sup> *Restrictions On The Legal Profession By The Bar Association: A Threat To Free & Independent Legal Aid In Cambodia*, LICADHO Briefing Paper, December 2007.

May 4

#### **Four community representatives arrested in Kep<sup>77</sup>**

- Three men and a woman, representatives of 29 families in a longstanding land dispute with a local businesswoman, were arrested after answering a summons to the Kampot provincial court for questioning.
- The case against them dates back to February 2004, when the families were forcibly evicted from land in Pong Tek commune, Domnak Chang Eur district, which they had farmed since 1994. During the eviction their houses were bulldozed and crops destroyed.
- The representatives had been charged in December 2006 with property violation with violence, based on a complaint filed by the businesswoman relating to the 2004 eviction. Human rights organizations expressed concerns that the charges actually stem from the activists' continued attempts to reclaim the land.
- Two of the men, were released on May 25, reportedly after thumb printing forced confessions to cease their claim to the disputed land and paying a 2,000,000 (USD\$500) Riel fine. The other two representatives were released on June 28 after intervention by a human rights NGO and also after agreeing to stop claiming ownership over the land. Since then there has been no further action against the representatives and the businesswoman reportedly occupies the disputed area.

May 6

#### **Arrest of two community representatives in Prey Veng**

- Dul Din and Vong Brel, representatives of 50 families involved in a land dispute in Koh Sampov commune, Peam Chor district, were arrested on a charge of rice robbery.
- At time of writing, Vong Brel had been released on bail, while Dul Din was still being held in pre-trial detention; no public hearing has been scheduled.
- Numerous serious human rights abuses have been recorded in this dispute, including the killing of 17-year-old villager Yeng Soheat on December 12, 2006. Soheat was shot dead when 20 armed men opened fire on a group of unarmed villagers who had tried to approach deputy district governor Y Sam Ol. No one has been prosecuted in the killing.

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<sup>77</sup> Arrest of four villagers after testifying in court against illegal possession of their land in Kampot province, Asian Human Rights Action Committee, May 12, 2007 and subsequent updates. <http://www.ahrchk.net/ua/mainfile.php/2007/2389/>

May 6

**Suspected enforced disappearance of Vietnamese dissident under UN protection in Phnom Penh<sup>78</sup>**

- Le Tri Tue, a Vietnamese union leader and advocate for human rights and democracy, was last seen on May 6 as he walked to an internet shop from his temporary accommodation in Phnom Penh.
- A registered asylum seeker, Tri Tue had been scheduled for Refugee Status Determination interviews with the office of the United Nations High Commissioner for Refugees.
- Before fleeing to Cambodia in April 2007, Tri Tue had been detained twice by Vietnamese authorities, as well as placed under police surveillance and pressured to give up his activism.
- Ten days after his disappearance, several Vietnamese newspapers simultaneously published articles accusing him of illegal appropriation of properties pursuant to Article 139 of the Criminal Code of Vietnam.
- While Tri Tue's whereabouts since May 2007 are unknown, human rights organizations believe it is most likely that he was abducted and forcibly taken to Vietnam, where he is presumed to be imprisoned. This scenario is familiar for other asylum seekers in Cambodia who have disappeared, such as Vietnamese dissident and recognized refugee Thich Tri Luc, who was abducted from Phnom Penh in 2002 and whose whereabouts were unknown for more than a year before his family was informed that he was in a Vietnamese prison, awaiting trial.
- On June 30, monk and human rights activist Tim Sakhorn disappeared from Takeo province, and was later confirmed to have been illegally deported to Vietnam and imprisoned (see page 9).

May 7

**Human rights worker accused by Sihanoukville governor of criminal incitement<sup>79</sup>**

- Municipal Governor Say Hak announced that he had sent evidence to the Sihanoukville Court accusing Chhim Savuth, municipal coordinator of the Cambodian Center for Human Rights, of inciting villagers to form a breakaway zone independent of government rule.
- The allegations relate to Spean Ches village in Mittapheap district, which was the scene of an extremely violent forced eviction on April 20. Savuth explained that prior to the eviction, he had merely assisted the villagers to draw up a request for official government recognition of their community.
- A few days later, Savuth left the area after rumors spread that he would be arrested.
- Working in Takeo province later in the year, Savuth was illegally detained while attempting to organize a public forum (see page 40). In 2006, he was one of four human rights workers detained and threatened while monitoring a land dispute in Kampot province.<sup>80</sup>

<sup>78</sup> Suzy Khimm and Pin Sisovann, *VN Political Dissident Disappears in Cambodia*, The Cambodia Daily, May 18, 2007 and James Welsh, *Vietnamese Dissident's Disappearance Probed*, The Cambodia Daily, May 19-20, 2007; see also *Voice Of Concerns Over The Missing Of Mr. Le Tri Tue*, Committee For Human Rights In Vietnam, February 21, 2008.

<sup>79</sup> Pin Sisovann, *CCHR Official Incited Villagers: Sihanoukville Governor*, The Cambodia Daily, May 8, 2007, and Pin Sisovann and James Walsh, *Sihanoukville Rights Worker Flees Amid Arrest Fears*, The Cambodia Daily, May 16, 2007.

<sup>80</sup> *Attacks & Threats Against Human Rights Defenders in Cambodia 2006*, LICADHO, December 2006, p. 24.

<b>May 18</b>	<p><b>Solidarity strikers face police violence and union leaders face incitement charges in Kandal province<sup>81</sup></b></p> <ul style="list-style-type: none"> <li>▪ Police fired smoke grenades and security guards fired shots in the air to disperse more than 1,000 garment workers from the River Rich Textile Ltd. factory in Sa'ang district. The workers were demanding the reinstatement of colleagues who were fired in November, allegedly for forming a union.</li> <li>▪ Following the strike, River Rich Ltd. filed criminal complaints to the Kandal court against three union leaders for "inciting" the industrial action.</li> <li>▪ The strike continued on May 21, when 1,000 workers surrounded the union leaders to prevent them being "escorted to court for questioning" by approximately 150 riot police.</li> <li>▪ On June 4, the company claimed that union officials intimidated workers into participating in the strike, a statement that was denied by the union.</li> <li>▪ In July the company eventually agreed to drop the criminal complaint against the three union leaders, as part of a negotiated settlement which included the reinstatement of most of the fired workers.</li> </ul>
<b>May 21</b>	<p><b>Human rights monitors banned from visiting Pursat provincial prison<sup>82</sup></b></p> <ul style="list-style-type: none"> <li>▪ Monitoring and medical staff from local human rights groups LICADHO and ADHOC were informed that they are no longer allowed to visit inmates in Pursat prison.</li> <li>▪ The order comes from Pursat provincial prosecutor Top Chan Sereyvuth, and in the wake of the arrests of four men accused of forming an illegal armed force. Monitors had been concerned about possible torture and forced confessions by the four.</li> <li>▪ Top Chan Sereyvuth denied that the ban was connected to any particular cases, saying that human rights monitors "have no right or duty to interview prisoners," and that prison officials had fallen into a "bad habit" of allowing them to do so.</li> </ul>

<sup>81</sup> *Riot Police Clash with Cambodian River Rich Garment Factory Workers on Strike in Phnom Penh*, LICADHO News Statement, May 22, 2007; see also Prak Chan Thul, *Kandal Police Disperse Striking Garment Workers*, The Cambodia Daily, May 19-20, 2007, and subsequent coverage.

<sup>82</sup> Unpublished LICADHO Prison Project report; see also Yun Samean, *Court Stops Rights Workers Visiting Pursat Prisoners*, The Cambodia Daily, May 30, 2007.

June 3

**Government bans critical NGO report, orders seizure of all copies and cracks down on distributors<sup>83</sup>**

- Information Minister Khieu Khanharith announced the seizure of all copies of *Cambodia's Family Trees: Illegal logging and the stripping of public assets by Cambodia's elite*, a report by international NGO Global Witness.
- The report focuses on the impact of illegal logging in Cambodia, and names numerous government officials, their associates and family members, as complicit in the logging and other crimes.
- Global Witness, an international NGO based in London, focuses on the corrupt exploitation of natural resources, and campaigns to end impunity, resource-linked conflict, and human rights and environmental abuses. Appointed as the Cambodian government's official forestry monitor in 1999, it was dismissed in 2003 after reporting on the involvement of government officials in forest crimes.
- In addition to the seizure of copies, the weeks that followed saw a series of serious threats against individuals, organizations and businesses involved in the translation and distribution of the report.

June 4

**Provincial governor makes public death threat against NGO staff<sup>84</sup>**

- Hun Neng, governor of Kampong Cham province and brother of the Prime Minister, told the media that if Global Witness comes to Cambodia, he will "hit them until their heads are broken."
- *Cambodia's Family Trees* includes accusations of criminal activity on the part of Hun Neng's wife Leang Vouch Chheang, and son Hun To.

June 5

**Arbitrary detention of community representative in Battambang<sup>85</sup>**

- Charges were dropped at Battambang provincial court against Chim Keo, a representative of 14 families in Koh Ream village, Khnach Romeas commune, Bavel district. However the victim, who had been in pre-trial detention since November 17, 2006, was sent back to prison pending a prosecution appeal.
- Chim Keo had been charged with infringement of private property, relating to a long-running land dispute with businessman Ieng Oeun, brother-in-law of Pursat Provincial Governor Chhay Sareth.
- A taskforce from the Ministry of Justice, which investigated the case in December 2006, had concluded that Chim Keo had been illegally detained and should be released immediately on bail.
- On 4 October, and following numerous interventions from local and international human rights organizations, Chim Keo was released. The appeal against his conviction remains pending.
- Two villagers embroiled in the same dispute, Tith Bun Chhoeun and Hourng Chea, were arrested later in June for plowing the disputed land, and held in pre-trial detention for three months before being released, charges pending.

<sup>83</sup> Unpublished LICADHO monitoring reports; see also Yun Samean & Douglas Gillison, *Gov't Orders Global Witness Report Seized*, The Cambodia Daily, June 4, 2007, and subsequent coverage.

<sup>84</sup> Yun Samean & Douglas Gillison, *Global Witness Decries Report Ban; Probe Ordered*, The Cambodia Daily, June 5, 2007.

<sup>85</sup> Unpublished LICADHO monitoring report.



June 8

**Government and religious leaders ban monks from demonstrating<sup>86</sup>**

- Minister of Cults and Religion Khun Haing and Supreme Patriarch Non Nget issued a joint directive prohibiting Buddhist monks from participating in peaceful demonstrations.
- Non Nget claimed that the directive was intended to prevent “disorder” and that monks who protested would be “responsible before the law.”
- The order appeared to be a reaction to the increasing protests in Phnom Penh by Khmer Kampuchea Krom against the treatment of their brethren in Vietnam.
- National Assembly and CPP Honorary President Heng Samrin said the announcement was an effort “to preserve social stability.”
- Constitutional Council member Son Soubert said the ban violated the Constitution.

June 10

**Journalist fired after covering critical NGO report, resulting in closure of newspaper<sup>87</sup>**

- French journalist Soren Seelow was summarily dismissed from his job as a reporter at the *Cambodge Soir* newspaper. No clear reason was given for the sacking, which came after Seelow had written a series of articles about the report *Cambodia's Family Trees* by Global Witness (see page 32). In particular Seelow's initial article, published on June 1, had covered the report in extensive detail, including many of the allegations made against senior government officials.
- The remaining editorial team at the newspaper immediately went on strike in support of Seelow, condemning his dismissal as illegal and the reasons behind it as vague and unjustified.
- Negotiations to end the strike at the French-language daily newspaper were unsuccessful and on June 13, the newspaper's parent company told staff the paper had been closed due to bankruptcy.
- Philippe Monnin, director of the newspaper's parent company, said that the protesting staff “don't have the same way of perceiving the development of the country.” Reporters without Borders noted that Monnin is also employed by the French Development Agency to act as an adviser to the Cambodian agriculture ministry, and claimed he told Seelow that his article would “upset the authorities.” Agriculture Minister Chan Sarun is one of the government officials accused in *Cambodia's Family Trees* of corruption and involvement in illegal logging.
- Several months after *Cambodge Soir's* closure, the paper was reopened by its management, with its content taking a noticeably softer tone toward the government.

<sup>86</sup> Sam Rith and Charles McDermid, *Ban on monk protests called 'un-Buddhist,'* Phnom Penh Post, June 29 - July 12, 2007; see also Chhay Channyda, *Ministry, Patriarch Call on Monks Not To March,* The Cambodia Daily, June 25, 2007.

<sup>87</sup> Douglas Gillison, *Cambodia Loses An Important Press Voice,* Asia Sentinel, June 25, 2007; see also Reporters Without Borders, *Francophone organization asked to help save French-language daily facing sudden liquidation,* June 13, 2007.

June 16

**Journalist receives death threat after investigating forest crimes<sup>88</sup>**

- Lim Pisith, a reporter for Radio Free Asia, received a phone call from an unnamed government official telling him to “to beware” and that he “could be killed” for his reports on illegal logging.
- Pisith had recently returned from Prey Long forest in Kampong Thom province, where he was investigating allegations of official involvement in illegal logging made in the banned Global Witness report, *Cambodia’s Family Trees* (see page 33).
- He also claimed to have been followed by people he thought were plainclothes military police, both in Kampong Thom and after his return to Phnom Penh.
- Piseth went into hiding, reportedly fleeing to Thailand. He returned to Cambodia later in the year.

June 19

**Foreign human rights activists detained for peaceful demonstration in Phnom Penh<sup>89</sup>**

- Eight activists from western countries were detained for more than nine hours by immigration police after staging a human rights protest outside a meeting of the international donor community in Phnom Penh.
- The activists, from Canada, Denmark, New Zealand, the United Kingdom and the United States, were protesting against the continued imprisonment of Born Samnang and Sok Sam Oeun, the two men wrongfully convicted for the killing of union leader Chea Vichea.
- Police impounded two trucks that the activists were using to drive past the Council for the Development of Cambodia at Wat Phnom, where the first Cambodia Development Cooperation Forum was taking place.
- The victims were released after agreeing to sign a document acknowledging their participation in the event, although they refused to agree that they had broken any law.

<sup>88</sup> *Cambodia: Journalist flees country after receiving death threat*, Committee to Protect Journalists, June 22, 2007.

<sup>89</sup> James Welsh and Yun Samean, *Foreigners Detained for Protest Outside Donor Meeting*, The Cambodia Daily, June 20, 2007, and *Amnesty International Questions Foreign Protesters’ Detention*, The Cambodia Daily, June 21, 2007.

June 19

**Human rights lawyers intimidated in Ratanakkiri land dispute<sup>90</sup>**

- Seven lawyers from the Community Legal Education Center and three lawyers from Legal Aid of Cambodia were the subject of a complaint filed with the Cambodian Bar Association by Keat Kolney, sister of Finance Minister Keat Chhon and wife of Ministry of Land Management Secretary of State Chhan Saphan.
- The 10 lawyers were representing 12 ethnic Jarai village representatives from Kong Yu and Kong Thom villages in O'Yadao district, who had filed civil and criminal complaints against Keat Kolney for allegedly grabbing 450 hectares of their communally owned land.
- The letter accuses the lawyers of "lobbying, inciting and providing some cash to the villagers" to file complaints against her, describes their activities as "politically motivated," and asks the bar to "take legal measures to investigate into the case."
- The complaint was condemned for being an attempt to intimidate the lawyers into dropping the case, and thus to intimidate the villagers into dropping their complaints and giving up their land. The villagers themselves were the subject of criminal complaints filed by Keat Kolney two days later (see further below); those criminal complaints also contained allegations against the lawyers.
- By the end of 2007, all but two of the lawyers named in the complaint had stopped representing the villagers. The investigation into the lawyers by the Bar Association remains ongoing.

June 21

**Criminal complaint against indigenous community representatives in Ratanakkiri land dispute<sup>91</sup>**

- 12 ethnic Jarai village representatives from Kong Yu and Kong Thom villages in O'Yadao district were the subject of a criminal complaint filed at the Ratanakiri provincial court by Keat Kolney, sister of Finance Minister Keat Chhon and wife of Ministry of Land Management Secretary of State Chhan Saphan.
- In January 2007, the representatives had filed a criminal complaint against Keat Kolney and seven others, accusing them of grabbing 450 hectares of their communally owned land; they also filed a civil complaint asking for the return of the land.
- Keat Kolney accused the villagers of fraud, incitement, defamation and complicity, claiming that she had legally bought the land and that the complaints of trickery and intimidation were false. The sale of communally owned indigenous land is banned by the 2001 Land Law.
- The complaint also made allegations against the villagers' 10 NGO lawyers, who two days earlier had been the subject of a complaint filed by Keat Kolney with the Bar Association (see above). The new complaint stopped short of naming the lawyers as parties in the criminal case but left open the opportunity for the provincial prosecutor to investigate and file charges against them.
- At the end of 2007, the case remained pending.

<sup>90</sup> Prak Chan Thul and Erika Kinetz, *Keat Kolney Files Complaint Against 10 Lawyers*, The Cambodia Daily, June 23-24, 2007; see also *Case Study: The Kong Yu Land Dispute* in Section III of this report for more information.

<sup>91</sup> Prak Chan Thul and Erika Kinetz, *Keat Kolney Files Complaint Over Land Dispute*, The Cambodia Daily, June 26, 2007; see also *Case Study: The Kong Yu Land Dispute* in Section III of this report for more information.

June 24

### Human rights lawyers threatened by Bar Association<sup>92</sup>

- Ly Tayseng, Secretary-General of the Bar Association, stated publicly that NGOs must sign special agreements with it in order to be able to legally employ lawyers, and that the Community Legal Education Center (CLEC) was in violation of the *Law on the Bar* for not having such an agreement.
- The claims, which have no basis in any Cambodian law, came just days after Keat Kolney, sister of Finance Minister Keat Chhon and wife of Ministry of Land Management Secretary of State Chhan Saphan, filed a complaint at the bar against lawyers from CLEC and Legal Aid of Cambodia (LAC) who were representing ethnic minority villagers involved in a land dispute with her.
- Ly Tayseng further claimed that LAC and the Cambodian Defenders Project (CDP), which are the largest providers of legal aid in the country, could be in violation of the law as well.
- The Bar's intimidation tactics have had a significant affect upon human rights lawyers, some of whom have since chosen to leave positions with NGOs and work in private practice instead.

<sup>92</sup> Erika Kinetz and Yun Samean, *Bar Questions Aid Lawyers' Legal Standing*, The Cambodia Daily, June 25, 2007; see also *Restrictions On The Legal Profession By The Bar Association: A Threat To Free & Independent Legal Aid In Cambodia*, LICADHO Briefing Paper, December 2007; and Case Study: *The Kong Yu Land Dispute* in Section III of this report for more information.

June 30

**Enforced disappearance in Takeo of monk advocate for Khmer Krom rights<sup>93</sup>**

- Tim Sakhorn, a Buddhist monk and leading activist for Khmer Krom rights, was abducted from Wat Phnom Den in Kirivong district province and forcibly deported to Vietnam, where he was imprisoned.
- Earlier the same day, Sakhorn had been defrocked by order of Great Supreme Patriarch Tep Vong, who said that he had “breached the Buddhist discipline and caused a split in national and international unity, especially between the two countries of Cambodia and Vietnam.”
- Villagers reported seeing Sakhorn being taken away in a truck by Cambodian security officials. Although there were unconfirmed reports of him being held in a military camp in Vietnam, his whereabouts could not be confirmed until August 2, when the Vietnamese embassy announced that he was being detained, “pending prosecution under the destruction of political solidarity law.”
- Cambodian government officials later claimed that Sakhorn had asked to be taken to Vietnam, while Vietnamese media claimed that he had been arrested while illegally trying to enter the country.
- On November 8, Sakhorn was sentenced to one year in prison and 14 years probation by a court in Vietnam’s An Giang province.
- The enforced disappearance followed a series of protests by Khmer Krom monks in Phnom Penh for minority rights in Vietnam, and sparked further protests throughout the year, despite the June 8 ban on monks demonstrating (see page 34).
- The case recalls that of Vietnamese dissident monk and refugee Thich Tri Luc, who was illegally deported to Vietnam in 2002, and also Vietnamese rights activist and asylum seeker Le Tri Tue, who disappeared from Phnom Penh in May 2007 and is suspected to have been illegally deported to Vietnam (see page 31).

<sup>93</sup> Unpublished LICADHO monitoring report; see also Yun Samean, *Tep Vong Orders Khmer Krom Monk Defrocked*, The Cambodia Daily, July 2, 2007; Lachlan Forsyth and Vong Sokheng, *Monk’s abduction leaves Takeo tense*, Phnom Penh Post, August 10-23, 2007; and subsequent coverage; and *Khmer Kampuchea Krom activist monks* in Section III of this report for more information.

July 3

**Criminal charges against five community representatives in Phnom Penh<sup>94</sup>**

- Ly You Leng, Phoung Ratha, Sek Sarouen, Chan Vichet and Touch Ratha, representatives of the Dey Krahorom community in Tonle Bassac, Chamkarmon district, were charged at the Phnom Penh municipal court with property destruction.
- The charges were based on a criminal complaint filed by the 7NG company, which has claimed the Dey Krahorom site; the complaint was related to the events of June 26-30, when a fence erected by the company was supposedly damaged by villagers.
- Sek Sarouen had been badly beaten by a company security guard in July 2006, after he refused to leave his home.
- All five victims would all go on to face further criminal charges in 2007 (see pages 43, 43, 44 and 47).
- The Dey Krahorom community has been faced with the threat of eviction since 2005, and its residents and representatives the victims of numerous threats, attacks, inducements and malicious legal charges.

July 5

**Community activist shot dead in Stung Treng<sup>95</sup>**

- Seng Sarorn, leader of a community group protecting local forestry and fisheries, was shot dead through the floor of his house in Sre Kor commune, Sesan district.
- Local NGOs were highly critical of the police conduct in the case, including obstruction of human rights organizations who tried to conduct their own investigations into the killing.
- Five men were later arrested over the killing; four of them subsequently released. Stung Treng police and court authorities gave contradictory accounts of whether any of the suspects had confessed, and NGOs expressed concerns that suspects may have been tortured.
- No clear motive has been established for the killing, and the official investigation has been far from satisfactory, leaving open the possibility that the victim was targeted for his human rights activism.

July 20

**Intimidation of protestors in Phnom Penh over abducted monk<sup>96</sup>**

- 36 Khmer Krom Buddhist laymen traveled to Phnom Penh to petition the Cambodian Parliament over the enforced disappearance of activist monk Tim Sakhorn (see page 38) and ask for government intervention in the case.
- The group, which included relatives of Sakorn, was able to deliver its petition. However, the petitioners' path was blocked by a police truck and approximately 50 armed policemen.
- Around 50 uniformed and plainclothes officers also took up positions outside the Khmer Kampuchea Krom Human Rights Organization headquarters, where a news conference was taking place to appeal for assistance in the case.

<sup>94</sup> Unpublished LICADHO monitoring report, December 14, 2007; see also *Dey Krahorom Community Land Case Explained*, LICADHO Canada, January 2008, and *Case Study: The Dey Krahorom Community* in Section III of this report for more information.

<sup>95</sup> Pin Sisovann and James Walsh, *ADHOC Activist Killed in Stung Treng Province*, The Cambodia Daily, July 6, 2007, and subsequent coverage (initial reports that Seng Sarorn was an activist for the NGO ADHOC later proved incorrect).

<sup>96</sup> Prak Chan Thul, *Relatives of Missing Monk Petition Parliament*, The Cambodia Daily, July 21-22, 2007; see *Khmer Kampuchea Krom activist monks* in Section III of this report for more information.

July 31

**Human rights activist detained over public forum in Takeo<sup>97</sup>**

- Chhim Savuth, of the Cambodian Center for Human Rights (CCHR), was detained by police in Takeo province on the eve of a public forum at Wat Phnom Den in Kirivong district to discuss the enforced disappearance of activist monk Tim Sakhorn (see page 38).
- The victim was detained for nearly three hours by district police, who also confiscated the megaphone he was using to promote the forum.
- The case formed part of a pattern of obstruction and harassment of human rights activities linked to the Khmer Krom and the enforced disappearance of Tim Sakhorn, and numerous other cases were recorded in 2007 where CCHR public forums on a range of different topics were obstructed by local authorities.
- Earlier in the year Savuth had been the victim of public threats by the Sihanoukville municipal governor after assisting villagers engaged in a land dispute (see page 31). In 2006, he was one of four human rights workers detained and threatened whilst monitoring a land dispute in Kampot province.<sup>98</sup>

August

**Human rights forum arbitrarily banned in Kratie<sup>99</sup>**

- An open forum planned by the Cambodian Center for Human Rights (CCHR) in Oh Mouy, Kratie, was denied permission by Kratie provincial authorities.
- Although CCHR complied with its obligations under the 1991 Assembly Law in providing advance notification of the forum, the provincial cabinet claimed that it was not allowed to go ahead without prior authorization.
- Numerous other cases were recorded in 2007 where CCHR public forums were obstructed by local authorities.

August 9

**Community representatives imprisoned over land dispute in Siem Reap<sup>100</sup>**

- Tim Som and Chlun Boeut were summoned to the Siem Reap provincial court for questioning over a land dispute, only to be arrested and placed in pre-trial detention, charged with property destruction.
- The victims are representatives of 100 families engaged in a land dispute in Sosodom commune, Puok district.
- On August 14, other village representatives protested in front of the court for the release of the victims. Police attempted to block the protestors, resulting in a confrontation during which some villagers suffered minor injuries.
- The victims were freed on bail on August 15, but charges against them remain pending.
- On November 21, the disputed land was taken for public usage by order of the Interior Minister.

<sup>97</sup> Yun Samean and James Welsh, *CCHR Claims Harassment Over Missing Monk Forum*, The Cambodia Daily, August 1, 2007; see *Khmer Kampuchea Krom activist monks* in Section III of this report for more information.

<sup>98</sup> *Attacks & Threats Against Human Rights Defenders in Cambodia 2006*, LICADHO, December 2006, p. 24.

<sup>99</sup> *CCHR open forum denied by Kratie Authority*, Phnom Penh Post, August 24 - September 6, 2007.

<sup>100</sup> Unpublished LICADHO monitoring report; see also Chhay Channyda, *Land Demonstrators Call for Detainees' Release*, The Cambodia Daily, August 15, 2007.

August 29

**Community representative handcuffed during peaceful protest<sup>101</sup>**

- A female representative of the Dey Krahom community in Tonle Bassac, Chamkarmon district, was handcuffed for several hours by a worker for the 7NG company, which claimed the Dey Krahom site.
- Residents were trying to peacefully resist the demolition of shelters by armed military police, police and hired workers, following an order issued by the Phnom Penh Municipality on August 16. More than 30 shelters were destroyed.
- The Dey Krahom community has been faced with the threat of eviction since 2005, and its residents and representatives the victims of numerous threats, attacks, inducements and malicious legal charges.

September 8

**Land rights forum blocked by armed forces and police in Ratanakkiri<sup>102</sup>**

- A public forum on land rights, scheduled to be conducted in Kong Yu village, O'Yadao district, was blocked by approximately 40 police, military and military police.
- The forum, organized by Voice of Democracy radio, was intended to focus on events surrounding the land dispute between villagers in Kong Yu and Keat Kolney, sister of Finance Minister Keat Chhon and wife of Ministry of Land Management Secretary of State Chhan Saphan.
- Ten activists from Voice of Democracy were stopped one kilometer outside the district capital, in a standoff lasting several hours. Provincial authorities later claimed that the organization needed permission from the Ministry of Interior to conduct meetings in Ratanakiri, in contravention of the Assembly Law.
- Another land rights forum in Kong Yu organized by the Cambodian Center for Human Rights was similarly blocked on November 27 (see page 46).

<sup>101</sup> *Dey Krahom Community Land Case Explained*, LICADHO Canada, January 2008; see *Case Study: The Dey Krahom Community* in Section III of this report for more information.

<sup>102</sup> Erika Kinetz and Thet Sambath, *Police, Soldiers Block Land Forum in R'kiri*, The Cambodia Daily, September 10, 2007.



September 14

**Imprisonment of community representative in Phnom Penh<sup>103</sup>**

- Ros Pouy, a female representative of the Dey Krahom community in Tonle Bassac, Chamkarmon district, was arrested on charges of physical assault and detained in Prey Sar prison.
- The victim was accused of assaulting and injuring several workers for 7NG, the company which has claimed the Dey Krahom site, during an incident on August 4 when a group of company workers came to dismantle houses in the community. A human rights worker present during the incident did not observe her assaulting anyone.
- Ros Pouy was convicted on January 21, 2008, of physical assault and sentenced to six months imprisonment, with a further 18 months suspended. The conviction was based solely on the testimony of 7NG staff, and the prosecution failed to produce any medical evidence regarding the supposed injuries.
- The Dey Krahom community has been faced with the threat of eviction since 2005, and its residents and representatives the victims of numerous threats, attacks, inducements and malicious legal charges.

September 19

**Telephone monitoring of land activists in Svay Rieng<sup>104</sup>**

- The Cambodian Center for Human Rights (CCHR) alleged that a police program to log all calls made through public telephones was intended to prevent local land activists from contacting human rights organizations and the media.
- Under the order, issued in Kampong Trach commune, Romeas Hak district, public telephone operators were required to record the names and addresses of all callers, as well as the dates and subjects of the calls.
- CCHR President Ou Virak claimed that the monitoring began after threats were made against local activists trying to attend a CCHR public forum on a local land dispute.
- CCHR also claims that they were contacted by local authorities and told not to organize the forum.
- Kampong Trach commune police chief Chum Ry admitted the phone monitoring was in effect but claimed it was intended to prevent criminal conspiracies.
- Numerous other cases were recorded in 2007 where CCHR public forums were obstructed by local authorities.

<sup>103</sup> *Dey Krahom Community Land Case Explained*, LICADHO Canada, January 2008; see also *Case Study : The Dey Krahom Community* in Section III of this report for more information.

<sup>104</sup> Prak Chan Thul, *Svay Rieng District Keeps Tabs On Callers Over Land Dispute*, The Cambodia Daily, September 21, 2007. Unpublished CCHR report.

October 3

**Criminal charges against community representatives in Phnom Penh<sup>105</sup>**

- Treng Surith, Touch Ratha, Phoung Ratha and Sek Saroeun, representatives of the Dey Krahorn community in Tonle Bassac, Chamkarmon district, were charged at the Phnom Penh municipal court with property destruction and robbery.
- Touch Ratha, a female representative, was additionally charged with robbery.
- The robbery charge relates to an incident during a September 27 press conference, when a guard for the 7NG company dropped his phone after trying to photograph the victim and then complained to the police that it had been stolen. She was then taken to the commune police post, where a crowd gathered and a police motorcycle was allegedly damaged – the supposed basis for the property destruction charges.
- Dey Krahorn resident Khieu Bunthoeun was also charged with property destruction in the same case.
- Touch Ratha, Sek Saroeun and Phoung Ratha were already facing separate charges of property destruction that were filed on July 3 (see page 39), and Touch Ratha would go on to be charged with yet another count of property destruction on October 22 (see page 44).
- The Dey Krahorn community has been faced with the threat of eviction since 2005, and its residents and representatives the victims of numerous threats, attacks, inducements and malicious legal charges.

October 16

**Violent suppression of land rights protest in Phnom Penh<sup>106</sup>**

- Around 200 villagers from Svay Rieng province who had traveled to Phnom Penh to protest the loss of their community's land were violently deported from the capital.
- The villagers, representatives of 567 families from Tros commune, Romeas Hek district, were hoping to get 1,500 hectares of land back from a state-owned rubber company.
- As they camped in the park outside Wat Botum, they were surrounded by some 80 police and military police, who forced them into buses and sent them back to Svay Rieng. According to witnesses, some of the villagers were beaten during the raid on the park, and two persons were later taken unconscious to the hospital.
- Human rights monitors were blocked by authorities from entering the area but heard cries coming from the villagers.

<sup>105</sup> Unpublished LICADHO monitoring report, December 14, 2007; see also *Dey Krahorn Community Land Case Explained*, LICADHO Canada, January 2008, and *Case Study: The Dey Krahorn Community* in Section III of this report for more information.

<sup>106</sup> *Unlawful Abuse of Land Protesters in Phnom Penh*, LICADHO Media Statement, October 17, 2007; see also Prak Chan Thul and Yun Samean, *Villagers Protest Outside PM's House To Get Their Land Back*, The Cambodia Daily, October 18, 2007.

October 22

**Criminal charges against community representatives in Phnom Penh<sup>107</sup>**

- Touch Ratha, Ly You Leng and Kong Srey Oun, representatives of the Dey Krahorom community in Tonle Bassac, Chamkarmon district, were charged at the Phnom Penh municipal court with property destruction.
- The charges, relate to the events of October 17, when commune officials erected a banner that stated that Dey Krahorom was a “public park,” and the banner was allegedly removed.
- Five other Dey Krahorom residents were also charged with property destruction in the same case.
- Touch Ratha was already facing a separate charge filed on July 3 for property destruction (see page 39), as well of charges of property destruction and robbery that were filed on October 3 (see page 43). Ly You Leng was also charged with property destruction on July 3, and would go on to face further charges filed on December 7 (see page 47).
- The Dey Krahorom community has been faced with the threat of eviction since 2005, and its residents and representatives the victims of numerous threats, attacks, inducements and malicious legal charges.

October 23

**Human rights lawyers threatened and barred from accessing clients in Ratanakiri<sup>108</sup>**

- A team of lawyers traveling to Kong Yu village in O’Yadao district was prevented from entering the village by a group of armed police.
- The legal team was representing villagers engaged in the land dispute with Keat Kolney, sister of Finance Minister Keat Chhon and wife of Ministry of Land Management Secretary of State Chhan Saphan, and had hoped to meet with their clients in advance of a court hearing scheduled for October 25.
- The police told the lawyers that they “could not guarantee their safety” if they continued into the village, although the alternative was a return journey of several hours on isolated, potholed roads at night. The legal team was eventually forced to sleep in a nearby pagoda.

November 2

**Human rights workers obstructed from monitoring forced eviction<sup>109</sup>**

- More than 100 heavily armed police officers stood guard as bulldozers destroyed 132 homes in Chroy Changvar commune, Russei Keo district.
- Staff members of human rights organizations and media representatives were blocked from entering the site by three armed officers, while a member of parliament who attempted to take photographs of the eviction had his camera confiscated.
- Numerous other cases were documented in 2007 in which monitors were barred from observing forced and violent evictions.

<sup>107</sup> Unpublished LICADHO monitoring report, December 14, 2007; see also *Dey Krahorom Community Land Case Explained*, LICADHO Canada, January 2008, and *Case Study: The Dey Krahorom Community* in Section III of this report for more information.

<sup>108</sup> Information provided by the Cambodian Legal Education Center, February 2008; see also *Case Study: The Kong Yu Land Dispute* in Section III of this report for more information.

<sup>109</sup> *Joint Statement on the forced eviction of 132 families in Sangkat Chroy Changvar*, HRTF, CHRAC and NGOF, November 3, 2007; see also Lam Bopha, *Human Rights Groups Assail Evictions From Mekong’s Bank*, The Cambodia Daily, November 5, 2007, and Prak Chan Thul, *132 Houses Bulldozed in Riverbank Eviction*, The Cambodia Daily, November 3-4, 2007.

November 9

**Ceremony for abducted monk disrupted by local authorities<sup>110</sup>**

- A ceremony organized by human rights organizations to pay respects to abducted Khmer Krom monk Tim Sakhorn (see page 38) was interrupted by district officials who tried to break up the gathering.
- During the morning prayer session, a district authority representative interrupted the crowd by shouting at them to stop their prayers and accusing them of organizing a political rally. He warned the crowd not to talk about Sakhorn's case and soon afterwards, microphones were confiscated and electricity was cut off by other individuals in plain clothes.
- There was no warning or official reason given for the crackdown, and the peaceful gathering turned into chaos as men in plainclothes, believed to be Kirivong authorities – attempted to disburse the crowd by verbally abusing participants and journalists at the event.

November 10

**Community representative receives death threats over land dispute in Kampong Cham<sup>111</sup>**

- A representative of over 150 Stieng ethnic minority families in Memot District involved in a land dispute with the military was told by an officer of battalion 212 that he would be “blacklisted” if he continued his activity.
- Community representatives claim that a local company, backed by RCAF soldiers, had cleared around 1,000 hectares of their land since February 2007. Threats against the community intensified when soldiers arrived to enforce the clearance of a further 500 hectares in November.
- Staff members of human rights organizations working on this dispute have also reported being threatened.

<sup>110</sup> *District Authorities Disrupt Religious Festivities on Cambodia's Independence Day*, LICADHO News Release, November 16, 2007.

<sup>111</sup> Unpublished LICADHO monitoring report, December 14, 2007; see also Kuch Naren, *Kompong Cham Villagers Claim Land Illegally Cleared*, The Cambodia Daily, August 11-12, 2007.

November 27

**Land rights forum blocked by police in Ratanakkiri<sup>112</sup>**

- A public forum on land rights organized by the Cambodian Center for Human Rights and scheduled to be conducted in Kong Yu village, O’Yadao district, was blocked by police.
- The forum was intended to focus on events surrounding the land dispute between villagers in Kong Yu and Keat Kolney, sister of Finance Minister Keat Chhon and wife of Ministry of Land Management Secretary of State Chhan Saphan.
- Around 100 villagers walked three kilometers to the police road block in an unsuccessful attempt to persuade the authorities to allow CCHR representatives through.
- Provincial authorities later claimed that the forum had been blocked for security reasons, fearing “incitement” on the land issue.
- Numerous other cases were recorded in 2007 where CCHR public forums were obstructed by local authorities, and another land rights forum, organized by Voice of Democracy radio, in Kong Yu was similarly blocked on September 8 (see page 41).

November 29

**Union representatives arrested during violent crackdown on strike in Kandal<sup>113</sup>**

- Four workers representatives from the Coalition of Cambodian Apparel Workers’ Democratic Union (CCAWDU) were arrested by provincial police following the crackdown on a strike in Rokar Khpous commune, Saang district.
- More than 800 workers from the Fortune Garment and Woolen Knitting Factory were in the third day of a peaceful strike to demand factory compliance with the Labor Law, when the police, claiming the workers were causing traffic jams, fired tear gas at them.
- The four arrested representatives were accused of throwing stones and injuring police officers.
- They were released two to three hours later.
- During the crackdown, a female worker was injured after being hit on the leg by a tear gas canister.

<sup>112</sup> Thet Sambath, *Police Block Human Rights Forum in Ratanakkiri*, The Cambodia Daily, November 28, 2007.

<sup>113</sup> Violent Crackdown of Garment Workers’ Strike in Kandal, LICADHO Media Statement, November 29, 2007; see also Yun Samean, *4 Garment Workers Arrested in Strike Crackdown*, The Cambodia Daily, November 30, 2007.

December 3

**Obstruction of UN human rights envoy in Ratanakiri<sup>114</sup>**

- Yash Ghai, the Special Representative of the UN Secretary-General for Human Rights in Cambodia, was confronted by armed officials after a meeting with residents of Kong Yu visit, O'Yadao province.
- Ghai had traveled to the area to research the land dispute between villagers in Kong Yu and Keat Kolney, sister of Finance Minister Keat Chhon and wife of Ministry of Land Management Secretary of State Chhan Saphan.
- During the meeting, two workers from Keat Kolney's rubber company took photographs of the villagers meeting with Ghai.
- As the meeting with Ghai was coming to an end, a group of armed police and military police, some clearly drunk, arrived at the village with deputy district governor On Kit, who said that Ghai had not obtained any permission from local authorities to visit the village. Ghai has a mandate to travel anywhere in Cambodia, unobstructed.
- Two attempts by human rights organizations to hold public forums in the village had been blocked in recent months, as had a visit by the villagers' legal team (see pages 41, 44 and 46).

December 7

**Criminal charges against community representatives in Phnom Penh<sup>115</sup>**

- Chan Vichet and Ly You Leng, representatives of the Dey Krahorom community in Tonle Bassac, Chamkarmon district, were charged at the Phnom Penh municipal court with property destruction and physical assault.
- The charges were based on a criminal complaint filed by the 7NG company, which has claimed the Dey Krahorom site, and relate to the events of December 3, when some residents threw stones at an excavator, breaking some windows and allegedly injuring a 7NG employee. The victims had in fact appealed to the crowd to calm down and not to use violence against company staff or property.
- Dey Krahorom resident Khieu Bunthoeun was also charged with property destruction and physical assault in the same case.
- Both victims were already facing separate charges of property destruction that were filed on July 3 (see page 39), and in Ly You Leng's case also charges filed on October 22 (see page 44).
- The Dey Krahorom community has been faced with the threat of eviction since 2005, and its residents and representatives the victims of numerous threats, attacks, inducements and malicious legal charges.

<sup>114</sup> Erika Kinetz and Prak Chan Thul, *UN Human Rights Envoy Visits R'kiri Villagers*, The Cambodia Daily, December 5, 2007.

<sup>115</sup> Unpublished LICADHO monitoring report, December 14, 2007; see also *Dey Krahorom Community Land Case Explained*, LICADHO Canada, January 2008 and *Case Study: The Dey Krahorom Community* in Section III of this report for more information.

December 17  
December 26

**Violent crackdown on peaceful protest by Khmer Krom monks<sup>116</sup>**

- More than 100 mixed forces launched a violent attack on 48 Khmer Kampuchea Krom monks who had convened peacefully in front of the Vietnamese embassy to submit a petition calling for the release of Tim Sakhorn (see page 38) and respect for minority rights in Vietnam.
- When the monks tried to walk towards the gate of the embassy, they were beaten back and then charged by the anti-riot police with their shields and electric batons.
- Two monks were seriously injured after being shocked on the backs of their heads by electric batons, one of them falling unconscious. Four other monks suffered minor injuries after being assaulted by the police.

**Human rights workers obstructed from monitoring forced eviction [and relocation] in Phnom Penh<sup>117</sup>**

- Human rights workers and media representatives were barred by approximately 40 mixed authorities and 20 laborers from monitoring the forced eviction of 59 families in the Borei Keila community.
- During the eviction, five residents were beaten by military police and arrested and taken to the Trapeang Anchanh relocation site in handcuffs.
- Numerous other cases were documented in 2007 in which monitors were barred from observing forced and violent evictions.

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<sup>116</sup> *Khmer Kampuchea Krom Monks Chased and Assaulted by Police in Phnom Penh*, CCHR-CHRAC-CLEC-LICADHO Media Statement, December 17, 2007; see also *Khmer Kampuchea Krom activist monks* in Section III of this report for more information.

<sup>117</sup> Unpublished LICADHO monitoring report.



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